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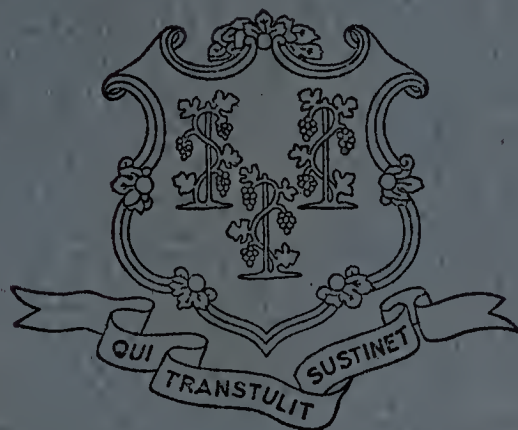
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COMMITTEE ON
HISTORICAL PUBLICATIONS

*Connecticut
and the British Government*

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TERCENTENARY COMMISSION OF THE
STATE OF CONNECTICUT

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Connecticut 298061
*and the British Government**

CHARLES M. ANDREWS

I

IT is a well known fact that during our colonial period Connecticut and Rhode Island were endowed by their royal charters with larger powers of self-government and greater freedom from royal control than were any of the British colonies extending from Newfoundland to Barbadoes. In the British scheme of colonial management they occupied a position so anomalous and exceptional as to place them in a measure almost outside the category of colonies, according to the contemporary definition of that term. Whereas to the English official and merchant a colony was a dependency, the value of which varied according to the extent of its contribution to the prosperity of the mother country, these two colonies played practically no part in advancing the welfare of England; and, except as occasional incidents brought them to the attention of the Privy Council or the Board of Trade, they remained, particularly for the first half of the eighteenth century, small and relatively

* Reprinted from *Fane's Reports on the Laws of Connecticut*. Acorn Club Publications, 1915.

insignificant communities, largely unknown to the authorities at home and in no way serving, according to the phraseology of the day, as "a Dutiful Colony, attentive to the Interest and Welfare of the Mother Country." The Board of Trade described the situation accurately enough when it said in 1730, "We seldom hear from them except when they stand in need of the countenance, the protection, or the assistance of the Crown." In 1740, the board added, "The Crown has no revenue in this Government [Connecticut], nor is it known how they support their Government," and again in 1741, "they think themselves by their charters little dependent on the Crown, and seldom pay obedience to royal orders."

Why such a situation was allowed to continue, in the face of frequent protests by the Board of Trade and others concerned with colonial management, is an interesting question in the history of English party politics. The immunity from outside control which the colonies claimed under the terms of their charters was contrary to the principles of colonial relationship accepted at the time, and led to many attempts, before and after 1700, to bring all the charter governments under the immediate authority of the crown. Connecticut and others deemed these attempts illegal and oppressive, but the authorities at home, with a purpose in view that was entirely reasonable and legitimate, considered them necessary for the protection of the colonies against the French, and for the advancement of England's commercial welfare. Connecticut was charged with exercising many functions that lay beyond her corporate powers:—trying cases of robbery and murder, making capital laws, and punishing with death—none of which acts were authorized by her charter. She was likewise charged with performing many things derogatory to the royal rights and injurious to the

prosperity of British subjects. In some cases the charges were true. Connecticut had refused to unite with the other northern colonies under a common military head in time of war, had denied the authority of the vice admiralty courts set up for the prevention of illegal trade, had declared that she would not recognize the right of appeal from her courts to the King in Council, and had passed laws that were contrary to those of England. But in many other cases the charges were either baseless or exaggerated. Complaints from English officials in America of connivance with piracy and illegal trade must be taken very cautiously, and the grievances of disaffected colonists must not be accepted at their face value. Still there was some truth in the latter's contention that the government of the colony was in form a republic, which it was never designed to be and had no right to be, and that in operation it was arbitrary and oppressive, hostile to monarchy and church alike, separated from the crown as well as the church of England, and recognizing neither the authority nor the laws of the mother country. The constant iteration of these charges inevitably drew the attention of the Board of Trade and the Privy Council to the conditions in Connecticut and elsewhere, and led to the attempt, many times repeated, to pass an act of parliament depriving all the proprietary and corporate colonies of their charters, thus altering their status to that of the royal colonies.

But all these and other attempts failed. The "ill use [which the proprietary and corporate colonies made] of the powers entrusted to them by their charters and the Independency which [they] aspired to" did not prevail with parliament as a sufficient argument, owing in large part to the powerful and growing Whig influence, which viewed the proposed measures as but Tory instruments

designed to enslave New England. Connecticut had good friends at court. Fitz John Winthrop had gone over in 1693 to plead the cause of the colony, and had performed his work so well that in 1697 the Board of Trade wrote that he had "diligently solicited all things that concern the colony of Connecticut." He was succeeded by Sir Henry Ashurst (agent, 1698-1710), friend and son of a friend to New England, and he by Jeremiah Dummer (agent, 1710-1730), whose *Defence of the New England Charters*, first published in 1721, presented effective arguments in the colonies' behalf. Dummer was followed by Francis Wilks (agent, 1730-1742), an astute London merchant, who continued to defend the colony against the efforts that were made as late as 1740 to take away the charter or to join Connecticut and Rhode Island into a single province under a royal governor. During the period of Dummer's agency attempts were made also to persuade the colonies individually to surrender their charters of their own accord. But these attempts likewise failed, except in the case of the Jerseys, the Carolinas, and the Bahamas. The reply from Rhode Island, written by Gov. Cranston, and that from Connecticut, written by Gov. Saltonstall, are supplemental to Dummer's *Defence* and present with vigor and shrewdness the point of view of the colonies.

Though Connecticut continued to remain outside the range of direct royal control, the colony was frequently brought into relations with the government in England. In 1701, the attorney-general decided that though there was "no reservation of appeals to his Majesty in the charter granted to Connecticut," yet an appeal did lie to the King in Council "as a right inherent in the Crown," and in case the colony refused to allow an appeal, the Council could proceed "to hear the merits of the cause

upon an appeal, whether that appeal be allowed or admitted there or not." That the Council acted on this decision we know well. In 1702, the secretary of state directed the colony to enter into a regular correspondence with his office, giving him "such accounts from time to time of what occurs" in the colony, "as you shall think fit to impart to me for Her Majesty's service"; but in this particular the secretary's instructions were better honored in the breach than in the observance. Except for the answers to queries, few letters were written by the governors to the secretary of state until after 1762, and even then the number was not large or the occasions frequent. In all that concerned trade and the observance of the Navigation Acts, the colony was always open to the royal commands, and was included among those to which were sent any instructions deemed necessary in order to secure the proper execution of the trade laws. Though the election of the governor of Connecticut did not have to be confirmed by the crown, each governor took the oath required by the acts of trade, in the presence of the General Assembly, and after 1722 was expected to give bond for the execution of the acts, though in fact he rarely did so. Circular instructions concerning such matters as piracy, ships' passes, prayers for the royal family, Greenwich Hospital dues, royal and admiralty rights, duties on negroes and felons imported, relations with the enemy in time of war, the Scottish Darien project, the post office, coinage, letters of marque, and the issue of bills of credit were sent to Connecticut and generally obeyed by that colony. Queries were sent over by the Board of Trade and answered by the governor, and the authority of the King in Council was always admitted in all that concerned boundary controversies, the title to the Narragansett country, and claims to the Mohegan lands. The colony

recognized the right of the Treasury Board and the Commissioners of Customs to appoint customs officials for the collecting of the plantation duty, who in the signing of clearances were to join concurrently with the naval officers named for the various posts by the governor. There is reason to believe that these officials, following the royal instructions of 1698, transmitted to the customs commissioners quarterly returns of seamen and shipping, though all such lists are now lost. The colony was ready also, in a lukewarm way, to aid the surveyor general of the woods and his deputies, whose business it was to guard the trees suitable for masts for the royal navy, though fortunately, perhaps, it was not often called upon to do so. In general, it expressed itself in terms of loyal obedience to the royal will, whenever it had occasion to write to the secretary of state or the Board of Trade, and it exacted of the freemen of the colony an oath to be true and faithful to their lawful sovereign, the King or Queen of England.

One of the most important obligations resting upon the royal colonies was the submission of their laws to the King in Council for confirmation or disallowance. This obligation rested also upon the colonies of Pennsylvania and Massachusetts, by their charters of 1681 and 1691. But Connecticut, Rhode Island, and Maryland (except for the period of royal control) were exempt from this requirement and no systematic attempt was ever made to bind them to it. The crown lawyers said that the King had no power to disallow any act of these colonies, not contrary to the law of England, and that as long as the charters remained intact the laws of these colonies could not be interfered with.

The matter first came into prominence in 1696, when in the instructions to the newly commissioned Board of

Trade, a clause was inserted requiring that body "to examine into and weigh the acts of the several plantations," an injunction which recognized no exceptions among the colonies as far as immunity was concerned. When, therefore, the board settled down to work and discovered that there were no laws of Connecticut or Rhode Island "amongst the rest that are in our custody," it took the matter in hand and on December 26, 1697, decided to instruct these colonies as well as the others to send over copies of their acts and laws, even though they were not obliged to do so by their charters. Rhode Island replied in 1699, sending over not an "authentick copy" but only an abstract, and from that time forward refrained entirely from further obedience to the royal command. But Connecticut proved less obstinate. The letter of the board, dated February 23, 1698, bade the colony transmit to it "authentick copies of all the acts or laws of that colony, with all possible diligence." This letter, which was addressed to the Governor and Company, was answered on July 1 by Winthrop, who had returned to the colony in 1697 and had been elected governor the May before. He sent at once a copy of the colony's act against pirates and promised to recommend to the assembly at its next session the request of the board, but inasmuch as a delay of four months ensued before the laws were actually despatched, the latter wrote again repeating its request that copies of the laws "in authentick form" be sent "without delay." But before this letter reached Connecticut, Winthrop had written, October 27, 1698, forwarding with the letter a copy of the printed law book of 1673.

The Gen^l Assembly [he wrote] of his Majesty's Collony of Connecticut (by their Committee) at their receipt of yo^r Lordships letter of Feb. 23, 1697/8 were under consideration

for reviseing the Lawes of this Collony in order to some Emen-dations and Enlargements as should be found necessary for farther benefit and service to his Maj^{ts} Subjects; but could not possibly digest them for your Lordships perusall in tyme to send by the shipe now goeing from Boston; The Gen^{ll} Assembly doe therefore in most humble regard to your Lordships Comandes herewith transmit to your Lordships favourable Opinion the present printed Laws by which his Maj^{ts} Subjects are at this time Governed, and allsoe the transcript of other Necessary and Locall Lawes Suitable to the constitution of the Affaires of this Wilderness.”

This volume of the laws, which may now be seen in the Public Record Office, is that of 1673, and it is accompanied with later laws to date copied in manuscript. It was presented at the meeting of the board, April 13, 1699, and was acknowledged in a letter from the board, dated April 24. The latter, after expressing its satisfaction with the action of the colony, said that it expected the colony to transmit its laws in the future “without delay and in authentic form under the public seal, with the attestation of the governor and other proper officers.

The revision of the laws, to which Winthrop referred, was that ordered by the General Assembly in October, 1696, but not completed and issued until 1702. There is in the Public Record Office a copy of this book, and also copies of printed sessional acts from May 20, 1709, to May 23, 1712. The first was sent over in 1703, not by Connecticut, but by Gov. Cornbury of New York, who in his letter of June 30 of that year said, “I take the liberty to send your Lordshipps the Laws of Connecticot and with them a book writ by one Mr. Buckley, who is an inhabitant of Connecticott, by that you will be informed of the methods of proceeding in that Colony.” Who sent over the sessional acts I cannot discover. There is no reference to them either in the New York or in the

Connecticut correspondence, and the acts bear no endorsements, such as were invariably made on documents and papers received by the board at this time. That the colony intended to send over more laws at the earliest opportunity is evident. In an answer to queries, dated January 24, 1709, appears the following clause, "We are preparing an Exact Body of our Laws to send y^r Lordships; the low circumstances of the Colony has kept us without a press, so that We have been necessitated to make use of manuscripts, for a considerable Number of our Laws; But are now endeavouring to put them all in print; which We hope will be accomplished in a Short time; And shall take the most speedy Care to transmitt them, according to y^r Lordships Directions." The press thus referred to was that of Thomas Short of New London, and the sessional acts of May 20 and June 11, 1709, were the first laws printed in Connecticut. On August 8, 1710, Gov. Saltonstall wrote from New Haven, "As to our Laws which we formerly acquainted your Lordships were preparing for the press, the Extraordinary Occasions of the Warr the two Last Summers in obedience to Her Majesties Commands, has prevented our going through with that work, but we are now Setting upon it, and hope to have it in a Good forwardness by the next Spring; And I shall be very carefull that your Lordships have a copie of them as Soon as they come out of the Press." In a letter from Popple to Saltonstall, of February 19, 1711, acknowledging this letter (and another of July 3, 1710), he writes, "They shall expect a Collection of the Laws of Connecticut as promised. In sending which Laws, you will do well, if there be any amongst them that are of a particular nature, to explain to their Lordships the Reasons for passing the same, unless such Reasons be express'd in the Preamble of the Act." But still the

laws were not ready, and nearly two years later, May, 1712, the General Assembly resolved that "a compleat body of the laws of this government be sent home to the Right Hon^{ble} the Lords of Trade, and that the Governor be requested to do it."

There is ample evidence, therefore, to show that both the General Assembly and Gov. Saltonstall planned to send over a copy of the new book of laws, which as it happened, did not appear until 1715. In point of fact, however, the book was never sent, or, if sent, never reached the Plantation Office. But Saltonstall may have sent over the series of sessional acts, ten in number, which were issued from 1709 to 1712, supplemental to the book of laws of 1702 and its continuation, also printed by Thomas Short, containing the acts from 1702 to 1708. He certainly had not done so before Popple's letter of February 19, 1711, was written, and it would appear strange that he should send the laws passed after 1708 and not those of the earlier dates contained in the continuation. There is, however, nothing to prove that he ever sent over any laws at all, and against his doing so must be placed the serious objection that no reference to these sessional acts is to be found anywhere in the Board of Trade papers. So particular was the secretary of the board at this time to record and acknowledge all letters and enclosures received that failure to find such entries is presumptive evidence against the receipt of the acts accompanying any letter sent to the board. Yet these sessional acts are today among the Connecticut laws that the board had in its possession, and how they got there is something of a mystery. That the board itself and its secretary were unaware of their presence among the papers of the Plantation Office later letters will show, and the absence of all endorsements upon them seems to

indicate that they found their way into the office through some unofficial channel.

We are compelled to believe, therefore, that from 1698 to 1731 the colony sent over no additional copies of its laws. During the later years of this period, the affairs of Connecticut were brought prominently before the home government by the controversy over the intestacy law, which was disallowed by the King in Council, February 15, 1728. When drafting its representation to the King on the subject, the Board of Trade discovered that "The people of Connecticut have hitherto affected so entire an Independency of Great Britain that they have not for many years transmitted any of their laws for His Majesty's consideration." Already had the board written to Connecticut, June 30, 1728, reminding the colony to send over "a compleat Collection of the Laws, which has been so often promised some years ago by several governors," and now it wrote to Gov. Talcott bidding him "transmit authentic copies of the Laws passed," while the secretary, Alured Popple, added in a postscript, "I find by a letter from your Predecessor Mr. Saltonstall dated so long ago as the 8th of August 1710, he promised the then Lords Commissioners a copy of your laws as soon as they should come out of the Press, tho' it has not been received here." At the same time the board wrote to Gov. Montgomerie of New York, June 30, 1731, saying, "These proprietary governments have long since been required to transmit hither Authentic copies of their Laws, which their former Gov^{rs} have promised some years ago, though such copies have not been received here," and it requested Montgomerie "to secure a set as soon as possible." But Montgomerie died before the letter reached New York, and the acting governor, Rip Van Dam, president of the council, sent the request to Con-

necticut. On October 14, the assembly of that colony appointed a committee to consider the question. The committee reported favorably, stating that this was the first intimation the assembly had received that Gov. Saltonstall had not sent the law book to England, and adding, "We Submit it to the wisdom of this Assembly, whether in poynt of prudence, it may not be best by Some meet persons Strictly to view our Lawes, in order to make alterations or adetions, as this assembly Shall think proper."

On November 4, Talcott wrote to the board as follows:

'Tis a pleasure to me to be informed by Mr. Popple's Letter of May 31st past that your Lordships have received my Letter with our Answers to your Queries; and I am Concerned that the Book of our Laws from Gov^r Saltonstall came not safe to your hands; I remember I heard his Honour say he was about Sending Over a Sett of our Laws but whether he sent them or whether they Miscarried I can't tell.

By Mr. Popple's Letter of June 10th last he Informs me that your Lordships desire that I should send you our Laws that affect the Trade Navigation or Manufactures of Great Britain; in Answer thereunto and that I may as much as in me Lyes make good Govern^r Saltonstall promiss, I have herewith sent you the whole Sett of Our Laws by which your Lordships will Se that our Laws do not Incumber the Commerce Navigation or Trade.

Your Lordships will be best Informed of the Reason Necessity and Usefulness of our Laws by Considering the State and Circumstances of our Countrey so very many ways differing from that of England.

The Book of Laws I send you have been Sometime out of the press Since which some Laws have been altered and some Repeal'd which notwithstanding I am forced to send with the Rest unless I should print the Book anew for this purpose which I fear would Delay the time beyond your Lordships Expectation.

In acknowledging the receipt of this volume, which

was sent by way of Boston to the agent of the colony, Francis Wilks, for presentation to the board, the latter expressed regret that some of the laws had been altered since they were printed, and said that it would be impossible for them "to make any judgment" of those sent without seeing "those also by which they were altered." The board requested Talcott to "transmit Transcripts of such Laws as shall be passed for the future." To this Talcott answered, calling attention to the fact that with the laws were bound up sessional acts, which indicated "what of our Laws are altered and Repeal'd."

The volume thus sent over for the inspection of the Board of Trade consisted of the Law Book of 1715 and all sessional acts passed from that time to and including the year 1731. It was sent November 4, 1731, and reached the Plantation Office in Whitehall, February 18, 1732. Two weeks later, on April 5, it was despatched to the board's legal adviser, Francis Fane, with the injunction that he examine the laws and render an opinion "upon the said Acts, whether the same or any of them are repugnant to the Laws of this Kingdom." Fane was living at the time in St. James's, Westminster, but a short distance from Whitehall, across the park. He completed his first report covering the whole of the 1702 text, as it appeared in the 1715 reprint, in a year and four months, submitting it to the board, August 10, 1733. The second report, containing comments on the reprinted sessional acts to and including part of those of October, 1706, was handed in April 1, 1734. The third, continuing his comments on the reprinted sessional acts to and including part of those of May, 1708, was completed December 2, 1734. The fourth, dealing with the same to and including part of those of June, 1709, was delivered May 17, 1735. The fifth, covering the same to and including part of those

of May, 1711, was returned December 13, 1735. The sixth, commenting on the same to and including part of those of October, 1712, was sent in January 20, 1736. The seventh, beginning with the remaining acts of October, 1712, and continuing through those of October, 1714, was returned December 22, 1737. The eighth, beginning with the acts of May, 1715, and extending through those of October, 1717, was delivered December 15, 1738, thus completing the original 1715 reprint and two years of sessional acts. The ninth and last, carrying the laws through the session of May, 1721, was sent to the board June 16, 1741. The remaining laws, covering the period from October, 1721, to October, 1731, numbering 197 acts and 15 resolutions, and contained in 120 pages of text, were never dealt with at all. Fane was nine years in making his report and then did not complete it. In an era of procrastination in governmental business, there can hardly be found a more striking example of dilatory work than this. Yet Fane was an efficient man and a judicious and learned lawyer, but the task was a long one, covering altogether 584 acts and 18 resolutions, of which 387 acts and 3 resolutions are included in his reports. During this period he was called upon to examine scores of laws from the other colonies, and to attend to his private law practice and his duties as a member of parliament. His reports were never presented, as far as we know, at the meetings of the board, and no action was ever taken, either of approval or disapproval, on the recommendations which they contained. The reports were, therefore, of no significance, as far as the colony was concerned, and are of interest to us today only as containing the opinion of an English lawyer upon the laws passed by the colony for its own governance.

Fane's leisurely attitude towards the task set him by the board and the latter's failure to act upon the lawyer's

reports can probably be explained by the events of the decade following the receipt of the laws. The crown lawyers had made it perfectly clear that the legislation of Connecticut and Rhode Island could be brought under royal control only by a special act of parliament, and it was manifestly to the interest of those concerned in England that such an act should be passed. The period was one of growing parliamentary supremacy, during which colonial questions were frequently under discussion and important measures relating to the colonies were placed upon the statute book. The Hat Act, the Act for the Recovery of Debts in the Plantations, the Molasses Act, and the various measures concerning rice, masts, and naval stores, aroused active discussion, both in parliament, in the form of debate and deposition, and out of parliament, in the form of a great mass of pamphlet literature which presented in lively fashion and with considerable acrimony the relative importance of the Northern Colonies and the West India islands in the British commercial scheme. The Board of Trade, which Partridge declared was no "Friend to the Northern Colonies," because it upheld the royal prerogative, the interests of British subjects, and the doctrines of the mercantilists, who rated the Sugar Colonies of greater importance to Great Britain than the Northern or Bread Colonies, sent in during these years three important representations to parliament, in which it presented the colonial situation in very elaborate and detailed form. In the last of these representations special stress was laid upon the failure of even the royal colonies to send over their laws promptly, and the statement was made that Connecticut and Rhode Island "not being under any obligation by their respective Constitutions, to return authentic copies of their Laws to the Crown for Approbation or Disallow-

ance, the board was very little informed of what is done in any of their Governments." The matter was taken up in the House of Lords, and Wilks reported to Talcott that he heard a member say "the Constitution of some of our Plantations was inconsistent with the Interests of England and ought to be new Model'd." Influenced by the representation of the board, the House appointed a committee to consider the matter, and among the resolutions reported were two which read as follows:

That it is the Opinion of this Committee that each Colony, whether under the Crown or otherwise, be obliged to send over a Complete Collection of all the Laws understood to be in force there, to the Board of Trade; and that the Crown be empowered to repeal any Law, passed under any of the said Governments at any time whatsoever, which hath not actually received the Royal Approbation in Council, if such Law be found detrimental to the Prerogative, or to the Trade or Navigation, or Interest of Great Britain; any Privilege or Limitation by Charter or otherwise, for the Time or Manner of repealing such Laws notwithstanding.

That all the Laws made in the Plantations as well under Proprietary or Charter Government, as in those where the Government is immediately vested in the Crown be, for the future, transmitted Home, for His Majesty's Consideration, within the Space of Twelve Months from and immediately after the passing of such Laws respectively; and therefore that no Law passed in any of the British Colonies be for the Future in Force or be allowed to have any effect until the same shall have received His Majesty's Approbation in Council, any Usage, Custom, Charter, Privilege, or Law, to the contrary, notwithstanding.

These resolutions and the others were agreed to by the House and the judges were ordered to bring in the heads of a bill at the beginning of the next session. Fortunately for the colonies, which were considerably agitated at the reports of their agents regarding this threatened attack

upon their liberties, the matter was eventually dropped and never came up again.

The refusal of parliament to act on the resolutions left Connecticut firmly entrenched behind her charter and reëstablished in her full right to pass any laws that she pleased, provided they were not contrary to the law of England. This conclusion must have lessened materially Fane's interest in a further examination of Connecticut's laws, and when in 1741 parliament was dissolved, he probably considered it unnecessary to go on with his task, which from this time forward could have had but an academic importance. These facts explain adequately the date of Fane's last report, June 16, 1741.

II

AFTER 1731, the colony sent its laws to England on four separate occasions. The first occasion arose as follows. In 1739, the question of paper currency and the rates of gold and silver in America came up for consideration in the House of Commons. Fane was a member of the House and, as it happened, was the chairman of the committee of the whole House when this question reached the committee stage of debate. Among the resolutions from the committee that Fane as chairman reported to the House, was one moving an address to the King, desiring him "to require and command" the governors of the colonies to send over copies of their laws. The King, in response to this address, "commanded" the Board of Trade "to prepare a complete collection of the laws in the British colonies in America." The board, acting on this command, wrote, May 21, 1740, to Connecticut asking for a copy of the laws of the colony, and this, too, before Fane himself had completed his report on the laws in his own possession. It is quite possible that Secre-

tary Hill's letter to Fane, mentioned in the opening lines of the ninth report, was prompted by this command. On November 12, 1740, a week after the letter was received, Gov. Talcott promised to bring the matter to the attention of the council and assembly of the colony. Two weeks later he wrote, in the name of the Governor and Company, "We have ordered a Collection of the Laws of this Government to be prepared and transmitted to your Lordships by which you will see the laws that have been made and are in force in this Government." This letter and the book of laws, consisting of the reprint of 1715, with all sessional acts to 1740 bound in and paged consecutively, were received by the board July 14, 1741. This volume, bound in calf and containing 486 pages, is now in the Public Record Office. No use was ever made of it by the board and no report upon the laws since 1721 is to be found among the papers of the office. Probably it was not even sent to the legal adviser, who had only just returned, June 16, his opinion on the laws received nine years before. As Fane kept the volume previously sent him and as we do not find any trace of the duplicate sent by Rip Van Dam, the board now had for the first time since 1698, a complete and up to date collection of the laws of Connecticut in its possession.

The next occasion for sending the laws of the colony to England arose in 1751. In that year the Board of Trade, which had been given a new lease of life under Halifax in 1748, made a representation to the Council Committee, recommending "the framing a new body of good and well digested laws in all the colonies." The committee took up the suggestion, and in its report to the Council said, "And whereas some of the Proprietary and Charter Governments in America tho' empowered to make Laws are not required to transmit such Laws

to His Majesty for his Approbation or Disallowance Yet in regard Appeals are frequently brought before His Majesty in Council from the Judgments and Decrees made in the several Courts of Judicature within the said Governments the Determination whereof depends on being duly informed of the Laws subsisting there, It is therefore thought Expedient that those respective Governments should transmit hither as soon as conveniently may be a true and Authentick Copy of all the Laws now in force." The Privy Council accepted this report and ordered the board to proceed accordingly. On April 16, 1752, the latter wrote to the colony instructing the Governor and Company to send over its laws. Gov. Wolcott said in reply, December 20, 1752, "I herewith transmit to you a Book of our Laws according to their orders" [that is, of the Lords Justices, acting in the King's absence]. This volume, now in the Public Record Office, is the book of Acts and Laws, printed at New London by Timothy Green in 1750, with sessional acts to and including those of May, 1752. At the end, bearing a fine specimen of the colony's seal, is a certificate by Gov. Wolcott and Sec. Wyllys, stating that these were "the laws in force and published 20 Dec. 1752," the date of the despatch of the letter.

The next laws of the colony that were sent to England were transmitted by Gov. Fitch, June 29, 1756, without special orders, as far as we know, from the Board of Trade. In his letter of that date, Fitch wrote the board as follows: "I have also herewith sent printed copies of the Laws passed in the Colony since the Book containing the Statute Laws of the government which about five or six years ago was transmitted to your Lordships to which I begg leave to refer for the knowledge of the laws at that time; by that Book and the Additional Acts now

sent y^r Lordships will see what are the Laws now in force in this Government." This letter was read at the meeting of the board on August 8, and the acts were ordered to be sent to the legal adviser, Sir Matthew Lamb, "for his opinion thereon in point of Law." The sessional acts thus transmitted were forty-five in number, passed between October, 1750, and January, 1756. Lamb must have retained the acts thus sent him, for they are not to be found among the papers of the board, and no report on them has come to light although Lamb continued to be the board's legal adviser until 1768. The last laws despatched by the colony, regarding which we have any knowledge, were sent by Gov. Trumbull in July, 1770, to Hillsborough, who had been appointed in 1768 secretary of state for the colonies. They consisted of printed copies of the laws passed in 1768, 1769, and 1770, in the form of sessional sheets, continuously paged. These laws, of which no use was made, as far as I know, are among the papers that accumulated in the hands of the secretary of state, now included in the Colonial Office series.

From this brief survey of Connecticut's relations with the home government, certain conclusions may be drawn. The colony was, as a rule, willing to meet all reasonable demands of the authorities in England that did not infringe upon what it considered its charter rights. These rights it interpreted in the broadest possible terms, claiming powers that, however desirable and necessary for Connecticut's well-being as a self-governing community, were not legally in accord with the original purpose of a trading charter or agreeable to the leading principles of British policy. That the colony was able to maintain its position in the face of the many attempts made to alter its status, was due partly to the ineffectiveness of the British system of colonial management, and partly to

the political and constitutional situation existing in the years from 1700 to 1750. Among the various individuals and bodies in England, vested with functions to perform and authority to exercise, there was so much ignorance, indifference, and carelessness that coöperation was always difficult and frequently impossible. The colonial machinery was old, badly constructed, and worked with no certainty as to the result. More important still is the fact that the period was one of constitutional change, when the power of the King, his Council and appointees, was declining and the authority of parliament was more and more filling the scene. In the conflict between Tories and Whigs, the royal prerogative and parliamentary control, and the principles that each represented, we find ample reason for the failure of the plans against the chartered colonies. The refusal of parliament to support the policy of the Board of Trade and to strengthen the prerogative of the crown, or to take effective measures itself to hold the colonies to their legal obedience, was the best security that the latter could have possessed against attempts to reduce them to the status of dependencies, the interests of which were subordinate to those of the mother country.

III

BEFORE 1718, the Board of Trade customarily sent all colonial laws that came into its hands to the crown lawyers, the attorney-general and solicitor-general, for their opinion on points of law; but after that date it had a special legal adviser of its own. The first to hold this office was Richard West. He was followed in 1725 by Francis Fane, and he in 1746 by Matthew Lamb, afterward Sir Matthew. Lamb died in 1768, while holding the office, and there was an interregnum of a year and a half before

the appointment of the next incumbent, Richard Jackson, who remained the adviser of the board until its dissolution in 1782. Each adviser was required to be in attendance on the board at least twice a week and to make regular reports on the laws and legal questions submitted to him. For these services he was paid at first three and then six guineas for every attendance, and £300 a year for his reports on colonial laws.

Francis Fane, of the Middle Temple, armiger, and resident of St. James's, Westminster, was born about 1698, the eldest son of Henry Fane of the city of Bristol and grandson of Sir Francis Fane of Fulbeck, Lincolnshire, the poet and dramatist. His grandmother was Hannah Rushworth, daughter of John Rushworth, the well known clerk-assistant to the House of Commons during the Civil War, secretary, historian, and editor of the *Historical Collections*. His father lived at Westbury-on-Trym, where he died in 1726. His mother was Ann Scrope, daughter of a Bristol merchant and sister and co-heir of John Scrope of Wormsley in Oxfordshire, member of parliament from Lyme Regis in Dorset, from 1734 to 1752, the year of his death.

Fane became a barrister-at-law and was attorney-general to the Prince of Wales and Queen Caroline, son and wife of George II. He was appointed a King's Counsellor in 1727, in the rising tide of his prosperity, and in the same year was returned a member of parliament for the borough of Taunton, Somersetshire, serving through the two parliaments of 1727 and 1734 until 1741. In 1747 he was returned for Ilchester in the same county, and in 1754, two years after the death of his uncle, John Scrope, for Lyme Regis in Dorset. Thus his parliamentary career lasted twenty-six years and was continuous, except for the period from 1741 to 1747. That it was

an active career a study of the journal of the House shows. On his uncle's death, he succeeded to the Wormsley estates, but through the greater part of his career he must have resided in the city of Westminster, now a part of London. He was the most prosperous of his father's sons, was possessed of ample means, and was able to aid his brothers in obtaining official and parliamentary preferment. The first brother, Thomas, was an attorney in Bristol, and clerk to the Society of Merchant Venturers there; the second, Henry, was a clerk to the Treasury Board, and later one of the clerks of the Privy Council. A sister, Mary, who died in 1773, married Samuel Creswicke, D.D., dean of Wells Cathedral.

Fane died May 27, 1757, and bequeathed his manors and lands to his brothers, the estates in Somersetshire and Gloucestershire to Thomas, and those in Buckinghamshire and Oxfordshire, including Wormsley, to Henry. He never married, but had a natural child by one of his servants, Ann Hopkins, who was the daughter of another servant, a widow, Ann Hopkins of Brympton, where he purchased an estate in 1730. To this son, Henry Hopkins, who took the name of Fane after his father's death, he left a legacy of £25,000.

Had Fane survived his distant relative, John, the last son of the elder line, who died childless in 1762, he would have become lord of Apethorpe and Charlston and eighth Earl of Westmorland. As it was the title went to his brother Thomas. The earldom had come into the Fane family when Lady Mary Nevill—daughter and heir of Henry, fourth Lord Abergavenny and descendant in the junior line of Ralph Nevill, first Earl of Westmorland—who had married Sir Thomas Fane as his second wife in 1574, obtained from James I the revival of the title, which had lapsed through an attainder. Under the new

creation, her son, Francis, became first Earl of Westmorland, by patent issued December 29, 1623. This event not only assured the rapid advancement of the Fanes in wealth and social distinction, but it also brought under their control the parliamentary borough of Lyme Regis, which remained at the disposal of the Westmorland family until after the passage of the first Reform Bill, that is, until December, 1832. During the greater part of Francis Fane's life, Lyme Regis was a close borough controlled in the interest of the Duke of Newcastle. For nearly a century, with but few exceptions, it was represented in parliament by members of the Scrope or Fane families, and after the death of John Scrope in 1752, by Fanes only, brothers, father and son, or uncle and nephew, among whom were Francis, Thomas, and Henry.

Francis Fane was commissioned legal adviser to the Board of Trade, by patent under the great seal, August 9, 1725. He was to attend at least twice a week and to hold the office during good behaviour. He undoubtedly owed his appointment to his distant cousin, Thomas, sixth Earl of Westmorland, who was president of the Board of Trade from 1715 to 1735, when he became lord lieutenant of Northamptonshire. Francis remained legal adviser of the board until 1746, in which year he was commissioned a member, an office which he retained until he retired in 1756. He was an eminent lawyer, possessed of ample legal knowledge, and his opinions are characterized by good sense and fairness. He played an influential part in our colonial history, as his comments on the laws of the colonies, extending through a period of twenty-one important years, formed the basis of nearly all the reports of the Board of Trade to the Council Committee, and so became determining factors in all confirmations and disallowances of colonial laws. After he

became a member of the board itself, he was able to continue his work the more effectively because of the experience and knowledge that he had gained in his study of colonial legislation. Thus for more than thirty years he was in touch with one aspect or another of colonial affairs, and probably knew as well as any other man of his time, unless it were the secretary of the board, the situation in America. His place as a member of the board must have been congenial to him, and he in turn must have been an efficient ally of the Earl of Halifax, after the latter became president of the board in 1748. Fane was an intimate friend of the earl's and often spent Christmas with him at his family seat of Horton.

IV

FANE's nine reports cover three hundred and eighty-seven acts and three resolutions, and his comments upon them may be classified as follows: One of the acts had been repealed by the colony and so called for no opinion, but of the remainder seventy-five were open to objections and deserved to be disallowed by the crown. The other three hundred and eleven were good, proper, well contrived for the purpose intended, reasonable, containing nothing amiss, fit to be confirmed, open to no objection, or adapted to the conveniences of the colony. Of the seventy-five recommended for disallowance, twenty-eight were too severe or unreasonable, nine were too loose, inexact, or uncertain, seven were at variance with the law of England and for the purpose intended inferior to the corresponding English law, six gave too much power to the court of assistants, the county court, the justices of the peace, and the selectmen of the towns, five, though good in part or excellent laws in general, needed enlargement or modification, three omitted cer-

tain necessary definitions or limitations of the English law relating to the same subject, three concerned the question of intestacy and had already been disallowed, and two were incomplete or insufficient as regards the penalty imposed. Of the resolutions, one was unobjectionable, one just and proper, though likely to be more effective if made a law, and one, though agreeable as a law, was probably illegal as a resolution.

When we examine more closely the comments contained in the reports we are struck with the number of acts that the English lawyer deems harsh and arbitrary and liable to abuse. In this respect, he upholds the charges of those who had made complaints to England against the colony. Fane thinks that the civil and judicial authorities in Connecticut were allowed far too much discretion for the safety and welfare of the people, and he condemns the language of the laws as giving too frequent opportunities for injustice and even oppression. The modern lawyer will hardly be surprised that Fane should have commented adversely on laws that allowed a court to reject a suit at will or that vested it with power to inflict a punishment at its own discretion. Parties to a suit, he says, have a right to be tried by rules of law, and a penalty, whether fine, imprisonment, flogging, disfranchisement, banishment, or committal to the house of correction, should be determinate and not at the court's pleasure. The language of the law he deems often so vague and unprecise as to render doubtful the nature of the charge and so to destroy the usefulness of the measure; and he demands a much more exact definition of such offenses as lying, defamation, lascivious practice and carriage, reviling, profane speaking, misbehavior, pretended damage, heresy and the like, before he can feel satisfied that the punishment is in accord

with the crime committed. In the very vagueness of the description he sees opportunities for unfairness and injustice. For instance, he considers that "walking scandalously" or "committing a scandalous offense" is an insufficient reason for disfranchisement, and says that many of the charges in the Act against Breaking the Peace are trivial when compared with the authority vested in the magistrate or justice of the peace to punish them. He makes much the same comment on the laws giving the justices power over rogues and vagabonds, and the selectmen power over the estates and credits of idle and poor persons. He calls unreasonable the law which forbids a servant man or maid to buy and sell, and that unjust which requires a stranger to find surety in the colony before bringing suit in a local court.

The fact that Fane should have called especial attention to the severity of the penal code of Connecticut is characteristic of the changes coming over the spirit of the English common law at this period. The penalties imposed in the colony for lying, wearing woman's apparel, delinquency, and heresy seem to him excessive, and in some cases, as in that of delinquency, appear to involve the innocent as well as the guilty. In but one instance, that of forgery, does he demand a heavier punishment, though in a few others he recommends the imposing of a heavier penalty for a repetition of the offense. In the case of laws that impose stigmatizing or branding as a part of the punishment, he speaks with no uncertain sound. England, he declares, has abolished all such forms of punishment, except rarely that of branding in the hand, and their continuance can serve no good in any community. Branding on the forehead, wearing a halter, or displaying conspicuously a capital letter, as penalties for adultery, bigamy, unchastity, incest, and burglary, are more

likely, he thinks, to render offenders incorrigible than to reform them, or to transform them into useful members of society. Perpetual infamy would always bar the road to good citizenship. In the case of laws concerning bigamy and unchastity, he sees that a person might be condemned on a mere suspicion. He objects even to the posting of the names of tavern haunters as a form of publicity likely to be harmful, and in commenting on the Act against Manslaughter he condemns that part of the penalty which imposes a perpetual inability to give verdict or evidence as not only unknown to English law but as entirely unsuited to the crime.

Fane is not a little puzzled by the extraordinary character of the law imposing capital punishment according to the Mosaic code. Terrible as had been the English law in capital cases, it had never pretended to find warrant for the death penalty in the Scriptures, and Fane has to fall back on his own common sense in expressing an opinion upon this pentateuchal measure. The clause against idolatry he throws out altogether as useless; that against blasphemy he deems unnecessarily severe, since blasphemy was construed as only a minor offense in England; while that against witchcraft he interprets in the light of the Salem delusion and recommends its entire omission from the statute book. The clauses dealing with rape, man-stealing, and false witness seem to him deserving of very considerable alteration. In fact, throughout all his comments, the Puritans' somewhat formal adherence to the letter of Biblical law is a matter of much concern, and there is no doubt that the observance of the Sabbath as a factor shaping legislation sticks mightily in his throat. Why, he says, should a crime be punished more severely when committed on Sunday than on any other day in the week?

One group of laws he interprets as distinct infringements on personal liberty, and he approves of none of them. What right, he says, has a state to make it penal for any one to play games or to drink liquor in private houses, to indulge in innocent and harmless recreation on Sunday, or to leave one's house on that day except for the purpose of going to church? What possible harm can there be in young people's meeting together in company on a Sunday evening, or on the evening of a lecture day or public fast day? Why forbid them to meet in taverns or forbid anyone to drink strong drink there, when such practices may be entirely innocent and devoid of all criminal intent?

Among all the Connecticut laws three in particular are conspicuous as having been the subject of grave complaint on the part of one or more of the disaffected inhabitants of the colony, and it is interesting to note Fane's attitude toward them. These laws are the Act for the Suppressing of Heretics, the Act relating to Ecclesiastical Affairs, and the Act for the Settlement of Intestate Estates. Apparently Fane does not know that two of these laws, the first and the last, had been disallowed by orders in Council, one in 1705 and the other in 1728, else he would have made some mention of this important fact. He recommends that the Act against Heretics be annulled, not because it is "contrary to the liberty of conscience, indulged to Dissenters by the Law of England," which was the reason assigned by the Privy Council in 1705, but because it is extremely severe and liable to work hardship on account of the vague phraseology in which it is couched. The Ecclesiastical Act, which had been bitterly denounced by Quakers and Anglicans alike, because it allowed no ministry to be established in the colony "distinct and separate from and

in opposition to that which is openly and publicly observed and dispensed by the approved ministers of the place," he thinks on the whole a reasonable measure, though he makes the general remark that all the acts of the colony relating to ecclesiastical affairs need careful consideration. He objects to the Intestacy Act because it is contrary to the law of England, but he neutralizes somewhat the force of his objection by offering as a substitute either a law modelled after that of England or one based on "such other method as may best fit the colony."

In 1706, two Quakers, John Field and Joseph Wyeth, made formal complaint to the Board of Trade against eleven acts of the colony. These acts concerned arrest, children to be educated, courts, delinquents, divorce, ecclesiastical affairs, freemen, houses and lands, inhabitants, single persons, and the settlement and support of ministers. To four of these acts, those concerning arrests, children to be educated, courts, and inhabitants, Fane returns no objection, though he characterizes that portion of the Courts Act imposing secrecy, which was embodied later in a separate act, as "of no manner of service." He objects to the Delinquency Act, but not to the section disliked by the Quakers, and also to the Divorce Act, chiefly on the ground that it was contrary to the law of England, though he considers some law about divorce very desirable and necessary. He objects, as did the Quakers, and apparently for the same reason, to that part of the Freeman Act which permits disfranchisement for scandalous conduct on the ground that the power conferred is arbitrary and the offense undefined. He says that the act requiring an inhabitant who wished to sell his house and lands to tender them first to the town before offering them elsewhere an extraordinary one, improper for England though possibly necessary in a

country encompassed by enemies. He agrees with the Quakers, though of course unintentionally as he could have known nothing of their complaint, that to prohibit single persons from keeping house, except with the consent of the selectmen of the town where they live, is an unreasonable encroachment upon individual liberty. On the other hand, he has no objection to the law for the support of the ministry, which aroused such lively opposition from Quakers and Anglicans alike, and was resisted by both because it assessed all persons in the community for the maintenance of the Congregational church.

Fane criticizes a number of laws, not because contrary to the law of England but because they lacked some of the requirements or limitations of the English law in like cases. He objects to the Act for the Recovery of Debts because it contains none of the savings of the English statute; to that against forgery, because it is not sufficiently penal; to that relieving idiots, because it does not provide a certain method for ascertaining who should be deemed idiots; to that regarding transients, because it includes within its provisions others than vagrants and sturdy beggars; to that appointing commissioners for the draining of lands, because it omits some important conditions "which the law of England had made in like cases"; to that dealing with tavern haunters, because it involves a general presentment which was contrary to English law; to that limiting trials in civil causes, because it goes counter to certain practices in English courts; to that concerning manslaughter, because it includes a penalty unknown to English law; and to that suppressing unlicensed houses, because it introduces methods of conviction hitherto unknown. He objects to the poor law of the colony and to the law for the punishment of perjury

because they omit certain essential safeguards deemed necessary in England. In two instances he condemns a colonial practice even though it is in accord with that of England, as when criminals are deprived of counsel, except as to matters of law, a rule which he deems neither laudable nor justifiable under any circumstances, and when robbery and burglary are punished with death, as was the case in both England and Connecticut. He commends the law of the colony providing for the payment of members of the assembly, as consonant with ancient usage though long since abandoned by the British parliament.

Whenever he can do so, Fane favors the colony and approves of a number of laws which, strictly construed, were contrary to the law and practice of the mother country. He sees ample reason why the Connecticut law of treason should differ in some important respects from that of England; he approves of the colony's forms of writs and processes, though he thinks that better ones might be drawn; he deems the act regarding summonses better than the corresponding English law; he accepts all the colony's military arrangements as probably necessary in a new country though manifestly improper in England; and he is content to believe in a number of instances that the colony is the best judge of its own needs and most competent to determine what is essential for the happiness and welfare of its people. In commenting on the act levying executions, he notes that the measure is not agreeable to the law of England and that parts of it are not as good as the corresponding English practice, but he agrees that as a whole the law is neither improper nor unreasonable and he recommends that it be confirmed.

In a large number of cases, Fane approves of a law

because it relates to the private or domestic concerns of the colony and so, he thinks, lies beyond the legitimate sphere of royal control. In this class are all laws relating to home lots, fences, highways, common fields, rates and taxes, excise and imposts, nominations and elections, schools, militia, police, and internal trade. He raises no objection to the act for ascertaining the value of coins current within the colony, even though he should have known that the Board of Trade was accustomed to recommend all such acts for disallowance, because they interfered with the royal proclamation of 1704 and the Coinage Act of 1708, defining the rates at which gold and silver coins should pass in the colonies. Even more interesting is his attitude toward acts for the issue of bills of credit. At first, he classes all such acts, eleven in number, passed before 1738, in the group of those relating to the domestic concerns of the colony, but later he takes a different view of the matter. This change of opinion is due, of course, to the fact that in 1739 the question of colonial paper currency was brought up for consideration in parliament, and from that time till 1751, when the statute was passed forbidding the issue of paper money in New England, it became the subject of heated discussion. As Fane was intimately connected with the debate in its earlier and later stages, having had in charge, as we have seen, the measure of 1739-1740 and that of 1749, it is easy to understand why in his later comments he should recommend the disallowance of all such acts, on the ground that "the multiplying paper credit beyond what is necessary is liable to many inconveniences."

All things considered, Fane's comments are eminently fair and reasonable and have in many cases a very modern ring. They exhibit no bias in favor of one policy or another. Even when remarking on the Act for better Regulat-

ing Proceedings and Pleas at the Bar, in which regard for his own profession might well have led him to judge severely the looseness of the colonial standards, he merely says that there ought to be further qualifications required for those admitted to practice as attorneys, "some ability and knowledge of their profession being in my opinion absolutely necessary for the due exercise of their employment." If criticism of his opinions is justified, it would apply rather to the leniency than the harshness of his comment. Perhaps, had a greater issue been at stake, his remarks would have been more trenchant.

It must be remembered that Fane is reporting only on points of law. In but one instance does he appear to base his objection on rules of general policy or expediency, such as would have governed the recommendations of the Board of Trade. In commenting on the Act concerning the Importation of Rum, he opposes the act on purely commercial grounds, and in so doing discloses his sympathy with the British West India colonies, whose threatened loss of the sugar trade had been before parliament for a decade and had resulted in the two acts of 1733 and 1739. In no other case does he object to a law on other than strictly legal grounds, and consequently his reports contain no such definition of British policy as will be found in the representations of the Board of Trade or in the orders of the Privy Council. He is mainly concerned with laws that seem out of accord with English practice or likely to lead to inconvenience or injustice. He is always on the watch for regulations that seem arbitrary or oppressive or are encroachments on individual liberty. For that reason he condemns the Act against Oppression as likely to stifle business competition and so to bring about the very thing that it seeks to prevent.

As compared with his other opinions and those of his

predecessor and successors in the office of standing counsel to the board, Fane's comments on the laws of Connecticut are lacking in force and incisiveness. Many of the laws he passes over with seeming indifference. His attitude may have been simply that of a busy man towards an obligation that was neither important nor pressing. I doubt if he actually wrote out the reports himself. Were the volume that he used before us, we might be able to draw some conclusions from its pages. Probably we are safe in assuming that he contented himself with markings, underscorings, and marginal notes, and left the rest to a secretary. The opinions he presented were never known to the colony and probably were never seen by any one else than those immediately concerned. Nevertheless they are valuable and deserving of publication, not only for their interest as a commentary on the early laws of Connecticut, but also as a contribution to the larger question of the British attitude toward forms of colonial legislation that were already showing important points of divergence from the corresponding law and practice in England.

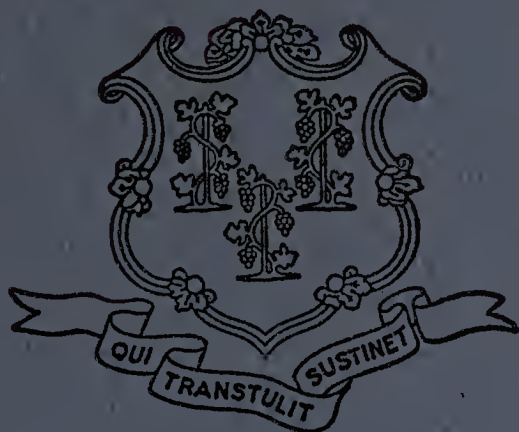
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The Connecticut Intestacy Law

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The Connecticut Intestacy Law

CHARLES M. ANDREWS

THE colonial era of our history has generally been treated with an insufficient appreciation of its economic forces, and, in consequence, there has been a tendency to minimize the importance of certain periods of that history which show little political activity and are to the world at large dull and uninteresting. Such a period is the first forty years of the eighteenth century, and in the following paper I hope to show why I think that, from the point of view of the English policy toward the colonies and their economic development, this period will in the future stand much higher in the estimate of historians than it does now. The discussion that follows involves a number of points of law, and carries us through a controversy which, although of immediate importance to Connecticut only, was of exceeding interest to all New England, and indirectly touches the general subject of colonial history.

The starting point of the controversy and its underly-

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ing cause was the agrarian system of New England. It is well known to students of the subject that the methods employed in the division of lands by the proprietors of the various towns involved certain principles based on the necessities of a new country. We may believe, if we wish, that these methods were the expression of deep-seated racial traits, but it is more rational to take into account two influences only; first, the agrarian environment in which the settlers had been reared; and, secondly, the conditions and necessities that govern the settlement of a new and uninhabited country. These two considerations will concern us here.

Those who settled the New England colonies were—save in a very few cases—men of the burgher and freeholder class, to whom the detail of the English agricultural life was familiar. They had been inhabitants of towns and villages located on feudal estates and subject to a superior, the king or the lesser lay or ecclesiastical lord; they had in a large number of cases been reared in the midst of the English agricultural system, of which the village community with its long streets, its homesteads, its open fields divided into shots or furlongs and subdivided into what were originally acre and half acre strips, its meadows, pastures, common and waste, was the local unit and that part of the system with which they were in daily contact. To this system that of New England bears a striking resemblance. One cannot compare the old manor maps of the seventeenth and eighteenth centuries with any plan based upon the land records of a New England town without feeling that the similarities are more than coincidences. There is the same village street, the same homestead plots, the same great fields, the same shots and furlongs, and the same subdivision into smaller strips; there are the enclosed

meadows held by a few, the pasture and waste common to all, and there are numbers of trifling manners and customs which show the English origin. It was the local, non-feudal land system which was transplanted with important changes to New England, and formed the basis of the law of real property.

But there were other reasons why the local agrarian system of England was in its outward form reproduced by the New England settlers. Had it not accommodated itself to their notions of equality and equity, and to the economic needs of a people settling in a new and uninhabited country, it might have been altered and changed beyond recognition. But the local land-system of England was pre-feudal in its origin, and probably grew out of a primitive system of agrarian equality, a fact which the equal strips, the scattered holdings and the common rights serve to attest. The New England settlers were entering an environment similar to that out of which the English village came, and they therefore found it necessary to change the English local system but little in order to apply the methods of allotment demanded by a new country. The colonists took no retrograde step; all changes from the existing system at home were in keeping with the higher ideas of property and equality which the New Englanders brought with them. The principles which governed their action were three: first, that of preventing the engrossing of lands and their accumulation in the hands of a few, the dangers of which in England were familiar to the colonists; secondly, that of subserving the law of equity by treating every man fairly, not only in giving him a share in conquered or purchased lands, but also in so allotting that share that he might be subject to all the advantages and drawbacks that bore upon his neighbors; and thirdly, that of hastening settlement and

the improvement of land. Land was therefore divided by the towns or by the bodies of proprietors into fields, called 'squadrons' in Worcester, 'furlongs' in Middletown, 'shots' in Milford, and 'quarters' in New Haven, and these were subdivided into smaller strips ranging from one acre to forty or more in size. Various methods were employed for obtaining equality, and every effort was made to hasten cultivation and to increase industry. Removal was discouraged by liability to forfeiture; alienation was limited by laws common to nearly every town in New England; the burden of taxation and the care of the fences, highways, etc., was distributed as evenly as possible; and every effort was made to increase the amount of land brought under cultivation. All this was characteristic of New England in general and of Connecticut in particular. The life in the latter colony was predominantly agricultural, the industrial and commercial aspects had hardly begun to appear, the government was popular—and for a hundred and fifty years of all the colonial governments it was the one most independent of the mother country—the laws made were adapted to the conveniences of the inhabitants rather than to the common and statute law of England, and the policy of the colony at all times was to remain hidden as far as possible from the notice of the home authorities. It is no wonder, therefore, that there should have grown up under the conditions—agrarian and economic—attendant on the settlement of a new, partly uninhabited, partly unconquered territory, laws based not on legal theory but on custom, laws that either were not known to English law or were not in accord with it.

Of all these laws none was more important, more an organic part of the life of the colony or fundamental to its welfare, than that which governed the disposal of intes-

tate estates. It is manifest that people influenced by the principles already mentioned in their distribution of land would apply the same principles to the distribution of the realty of an intestate. They certainly would not have undermined the colonial structure by admitting into its construction methods foreign to the general plan. Primogeniture, favorable to the accumulation of estates, but unfavorable to a rapid increase of the inhabitants, a furtherance of agriculture, and a cultivation of the soil, and opposed to the natural law of equity, was not in accord with the principles of the New England settlers. The intestacy law was, therefore, the unavoidable and logical outcome of the principles which underlay the land-system of New England.

By the English common law the eldest son was the sole heir and was entitled to the whole estate exclusive of all other children, whereas the colonial law directed that the real estate of an intestate be distributed in single shares to all the children except the eldest son, to whom a double portion was to be assigned. The Connecticut practice had the sanction of both law and custom. As early as 1627 a visitor at Plymouth found that "in the inheritance they place all the children in one degree, only the eldest son has an acknowledgment for his seniority of birth." A statute of 1636 confirmed this practice, while in Massachusetts, in 1640, the court of assistants distributed the real estate of an intestate to his six sons, reserving a double portion for the eldest son. Thus what is known as partible succession became early rooted in New England.

Connecticut followed the lead of the older colonies. On October 10, 1639, the general court ordered that when a person died intestate an inventory of his goods should be taken and "the publique court" should "divide the estate to wiefe (yf any be) children or kindred, as in

equity they shall see meet." This rule was inserted verbatim in the Code of 1650 and in the Revision of 1673. Until the end of the century this was Connecticut's law of descent in intestacy cases. It was enforced by the Particular Court and later by the probate courts. The latter distributed each estate according to its needs, with a growing tendency to an approximately equal division among the surviving wife and children, the eldest son usually receiving the larger share.

On October 12, 1699, the general assembly enacted a formal law, which was rather an affirmation of custom than anything new in the way of legislation. Previous practice, though based on rules laid down in the law books and tending toward uniformity had been conducted, as Governor Law said afterward, according to the principles of righteousness and equity lodged in the breast of the county court. The law of 1699 provided that probate courts should distribute an intestate's property as follows: one third of the personal estate to the wife forever (in addition to her dower right), the rest in equal shares among the children (or their representatives, if dead), except the eldest son, who was to get two shares or a double portion. This was merely the putting into statute form the practice of all the New England colonies, constituting a kind of compromise between the custom of gavelkind in Kent, which provided for an equal division among all the children, and the rule of the Mosaic Code (Deuteronomy, xxi, 17), which gave to the eldest son a double portion. It had grown out of the consent of heirs to an intestacy and had been found to be best adapted to the needs of the colonies. Governor Talcott gives in brief the reasons for the intestate law in his instructions to Belcher:

And much of our lands remain unsubdued, and must con-

tinue so without the assistance of the younger sons, which in reason can't be expected if they have no part of the inheritance; for in this poor country, if the landlord lives, the tenant starves: few estates here will let for little more than for maintaining fences and paying taxes. By this custom of dividing inheritances, all were supply'd with land to work upon, the land as well occupy'd as the number of hands would admit of, the people universally imploy'd in husbandry; thereby considerable quantities of provisions are rais'd, and from our stores the trading part of the Massachusetts and Rhode Island are supply'd, the fishermen are subsisted, and the most of the sugars in the West Indies are put up in casks made of our staves. By means of this custom his Maj'ties subjects are here increased, the younger brethren do not depart from us, but others are rather encouraged to settle among us, and it's manifest that New England does populate faster than the Colonies where the land descends according to the rules of the common law. And such measures as will furnish with the best infantry does most prepare for the defence of a people settled in their enemies country. If this custom be, so ancient and so useful, *non est abolenda, sed privare debet communem legem.*

Such were the conditions out of which the intestate law grew, and such were the reasons for its embodiment, after sixty years of experience, in statutory form. But whatever the value to the colony of a law of this kind, the fact remains that it was clearly contrary to the corresponding law of England and in violation of that clause of the charter which said that the laws of the colony should not be contrary "to the laws of this Realm of England." There was no qualifying phrase "as near as may be" in the Connecticut charter, as there was in that of Rhode Island, so that the colony could not plead, as could the Rhode Islanders, that their law was "agreeable to the lawes of this our realme, considering the nature and constitution of the place and people there." Therefore, Connecticut was helpless when certain disaffected

ones in the colony, who were opposed to the charter government and wished to enter into closer relations with England, began to question very early the validity of the practice. The matter was not, however, destined to become a major issue for nearly thirty years, but it early became part of a larger problem, which greatly troubled the colony from 1701 to 1723, the forfeiture of the charter and the proposal to unite the private colonies to the crown. The agitation to produce this latter result was due to the desire to unite the colonies under a common political and military head for greater security against the French and for a more effective carrying out of the acts of trade.

It was not difficult to find charges against Connecticut and Rhode Island. Complaints were made that the colonies broke the navigation acts, harbored pirates, neglected to take the oaths required by law, encouraged manufactures, were negligent in military duties and in the erection of fortifications, encroached on the jurisdiction of the Admiralty, and opposed the authority of its officers, protected escaped soldiers, seamen and servants, and failed to comply with certain requirements of the home government—as in the case of the proclamation regarding coin, the instructions to naval officers, the command to aid New York with quotas of men against the French and Indians, etc. Through the influence of Dudley and the pertinacity of Edward Randolph, for it was he who personally led the campaign in the lobby of parliament, a bill was brought forward in 1701 for reuniting to the crown the governments of several colonies and plantations of America—Massachusetts Bay, New Hampshire, Rhode Island and Providence Plantations, Connecticut, East and West New Jersey, Pennsylvania, Maryland, the Carolinas, and the Bahamas—on

the ground that "the severing of such power and authority from the Crown and placing the same in the hands of subjects hath by experience been found prejudicial and repugnant to the trade of this Kingdom and to the welfare of his Majesty's other plantations." The bill, however, by reason of "the shortness of time and the multiplicity of other business," failed to pass, but the board, thinking it very likely that it would come up again for consideration, desired from the colonies all possible information that would aid in the matter. From 1701 to 1706 charges continued to be sent in. Quarry, Bass, Congreve, Larkin, Dudley, and Cornbury all drafted lists of complaints. The board in a representation to the council in 1703 expressed its opinion "that the great mischief can only be remedied by reducing these colonies to an immediate dependence on the Crown." For Connecticut it was a time of anxiety. The influence of the Hallam case, of the controversy over the Narraganset country and the boundary line with New York, of the case of the Mohegan Indians, of the petition of the English Quakers against a Connecticut law, was to keep certain aspects of Connecticut's management steadily before the Board of Trade and to lead to what were often serious misrepresentations to the home authorities. In consequence Connecticut got a bad name. In 1704 the colony narrowly escaped having a governor put over it through the authority of the queen in council. But that body evidently preferred that parliament should take the matter in hand and in 1706 a bill similar to that of 1701 was introduced. It passed the House of Commons but failed of passage in the House of Lords.

The long list of charges against the proprietary and charter governments already on the books of the board was continually supplemented by additional charges from Congreve, Dudley, Quarry, Gauden and others.

The failure of the bill of 1706 was a severe blow to its supporters, and the colony for several years experienced a relief from its anxiety. In 1715 the matter came up again because of the complaints regarding banks, naval stores, the trouble with Carolina, etc., and the House of Commons appointed a committee composed of members of the Board of Trade "to inspect into the miscarriage and to prepare a bill to resume the grants of the proprietary governments." Again a list of charges was prepared, but, whether another failure was feared or a juster policy decided upon, a different plan was tried for Connecticut. The long drawn out controversy between Connecticut and Rhode Island and the frequent appeals to England for aid in reaching a decision had led the Privy Council to request the Board of Trade to make inquiry and report. The board in its reply recommended, as the simplest solution of the difficulty the surrender of the charters and the uniting of both colonies to New Hampshire. The council approved the recommendation and bade the board inquire of the colonies, through their agents in London, whether they would be willing to surrender their charters peaceably. Connecticut's answer is a masterpiece of firmness and politeness and, although in the name of the Governor and Company, was undoubtedly written by Saltonstall. He commends the justice and honor of the ministry in thus referring the question to the corporation, a method wise and just, possessing not the least appearance of force and terror. He contrasts it with previous methods unreconcilable with common rights, law and custom, of which the colonies had had full experience. This spirit of fairness he attributes to the existing king and ministry, who, though unlimited and subject to none, yet observed the limits of wisdom and justice, and were tender of what others should enjoy as well as of

their own prerogative; who did not make use of their power to terrify the colony out of its rights and property, but gave it leave to speak for itself. After these quieting words, the Governor and Company regret that they cannot choose that resignation of their rights which the king and ministry think might be best for them, and conclude this portion of the letter with the following instructions to the agent: "You are therefore hereby directed in plainest terms to acquaint their Lordship that we can't think it our interest to resign our charter, But on the contrary, as we are assured, that we have never by any act of disobedience to the Crown made any forfeiture of the privileges we hold by it, So we shall endeavor to make it manifest and defend our right whenever it shall be called in question."

The limits of this paper will not allow a further discussion of the attitude of the home government toward the colony. It is, however, fundamentally important that we should appreciate the relations which had previously existed, and the one sided character of the information which the Board of Trade, the Privy Council and even parliament itself received. The mere titles of the papers containing charges against the proprietary and charter governments cover twenty-one pages of an entry book. Regarding Connecticut there is almost nothing to relieve the unfavorable impression received by the board, except a letter now and then from the governor, and the answers to the queries that were occasionally sent to the colony. The references to Connecticut in the Journal are rare, and generally relate to some complaints against her. It is difficult to determine how far the board believed the statements sent it, but its representations do not show any inclination to lighten the impression which the letters from the colonies give.

This was the position that Connecticut occupied in the sight of the home authorities when John Winthrop, a grandson of one colonial governor and nephew of another, denying the validity of the intestacy law, claimed all the real estate of his father who had died in 1717, but lost his case in the colony court. One Timothy Prout of Maine, who visited Winthrop at New London at the time, wrote as follows about the matter.

Sometime after that I was at the house of Mr. John Winthrop at New London when he told me he had a contest in the law with his brother and sister Letchmore; that it was determined in faver of his sister Letchmore, but said he was determined to go to Great Britain for relief, upon which I told him I never had an own sister but if I had I should have look'd upon her next to my wife and I should have been willing she should have enjoy'd part of my father's estate with me. He answered me his affairs were a Point of Law and was resolv'd to have it determined. Upon which I related to him what I above set forth [about a matter of appeal to England] and told him I would give it to him as his father's advice, that he would not go to Great Britain. Notwithstanding which he refused the advice and in about two months after took his passage for Great Britain, involved his estate and there spent his days in prosecuting that affair and never returned to his family again.

As the result of Winthrop's efforts the intestacy law was disallowed by an order in council, February 15, 1728, as contrary to the laws of England and not warranted by the charter. The case was a private one and the colony was not heard in the matter until afterward, when the agents tried to obtain a reversal of the order. There is no doubt that the defendant, Lechmere, was inadequately defended by someone little versed in the colony's affairs, that his evidence was far from complete, his purse far from full, and that he was especially in want of "a good

sword formed of the royal oar." Winthrop, on the other hand, was ably defended by Attorney General Yorke and Solicitor General Talbot. The committee of the council did not call in the assistance of the Board of Trade, and there are no documents bearing on this phase of the case among their papers. Winthrop did not rest his case solely upon the question of the validity or invalidity of the law, but he repeated most of the charges, which were already familiar to the council and its committee, and thereby, as Mr. Parris said, "very much assisted his case." The legal aspects of the trial have attracted but a small amount of attention from historians, for the incidents were neither dramatic nor politically exciting, yet there were involved in the case principles of great moment to the colonists, questions, the solution of which was to affect the future relations between them and the home government.

The effect of the vacating of the law shows at once that the Privy Council acted without a reasonable understanding of the matter at issue. It based its opinion upon the literal interpretation of the charter from its own point of view, and was entirely without a just appreciation of the equity in the case. Two conditions, defensible in themselves, had come into conflict. For the moment the customary law of one country, arising from one set of historical circumstances, was to be enforced in another country, the agrarian and economic life of which had brought into existence a customary law very different. The common law of England and the common law of the colony did not agree. The latter did not represent the defiant will of a body of lawmakers, it represented a principle of land-distribution which the experience of the colony had shown to be best adapted to its own prosperity and continued existence. This becomes clearer when we

note what would have been the economic effects of voiding the intestate law.

The first result would have been a general unsettling of titles to lands left intestate or alienated after intestate settlement. This was due to the fact that a large majority of the people consisted of farmers and agriculturists, possessing little personal estate. Many of these settlements reached back to the beginnings of the colony, and the invalidating of titles would have affected large numbers of descendents who would thus have been liable to ejection at the instance of the eldest heir. Such ejection concerned the younger sons and the female heirs, for whom under such conditions there would be no place in the colony. Even if the titles to estates already settled in the court of probate should be allowed to stand, yet there were many estates of twenty or thirty years standing that had never been settled, and more of a later date, so that the suffering would only be limited, not ended. Furthermore, litigation would have at once ensued, which would have involved the colony in an economic loss greater than that entailed in a resistance to the decree. The agrarian system of the towns would have given to this litigation a curious complexity. Quarrels were certain to arise within the towns themselves regarding the ownership of the common and undivided lands. Would the title rest with the heirs at common law of those who received by grant from the king, that is, the patentees, or with those who as proprietors and contributors to the common fund purchased the lands from the Indians, and received their shares according to the size of their families and the amount of their subscription? Judges, too, in settling all these disputes, would have been thoroughly perplexed as to whether they should obey the decree, in which case the foundation of the

colony would have been "rip't up from the bottom and the country undone"; or whether they should disregard the decree, and so bring down upon the colony the loss of its charter.

But the injustice would have concerned others besides those holding lands derived from intestate settlements. Creditors who had taken lands in payment of debts—a procedure not in favor with the colony because of the cheapness of lands—would be defrauded, unless the lands, which might have considerably improved in their hands, had been made chargeable for the original loan and the improvements. Furthermore, the will and intent of many who had died intestate might have been frustrated, inasmuch as they, trusting in the colonial custom, with which they had been perfectly satisfied, had made no will.

In addition to these results, so contrary to justice and equity, certain economic consequences would have inevitably followed the carrying out of the order in council, consequences detrimental not merely to the colony, but, judging from the standpoint of her clearly avowed colonial policy, to England as well. The voiding of the law meant the abatement of husbandry. The towns of all New England, and of Connecticut in particular, were, at this stage of their development, predominantly agricultural. The results of such abatement would be a desertion of lands, a lessening of population, and a decrease in the supply to the neighboring provinces, which, engaged in trade and fishery, were dependent on Connecticut for provisions. It was a clever stroke on the part of the colonial supporters of the law when they showed that its confirmation was adapted to the furthering of England's policy, and that its vacation was to the injury of that policy. Voiding the law would lead to manufac-

turing, for the younger sons from sheer necessity, driven from agriculture, would turn to trade and manufacturing, or else would be obliged to leave the country. Thus, by this argument, England was placed on the horns of a dilemma as regards the colonies, either beggary or insufficient population on the one side, or the promotion of trade and manufactures on the other. This, as Law surmised, "was a tender plot," and there is no doubt that as an argument it was frequently repeated in order that it might be "thôt of at home." These economic results are sufficient to show that the law was an organic part of the life of the colony. Indeed, as Talcott said in a later letter to Francis Wilks in London, "we cannot think our law will be looked upon to be contrary to the law of England for the colony could not have been settled without it."

The colony immediately made every effort through its agents, Dummer, Belcher, and Wilks, to defend the law if possible. There was reason for hope in such action from the fact that the Massachusetts law of 1692, after which the Connecticut law has been modeled, with one amendment, one addition, and three explanatory acts had been confirmed by the crown. Furthermore, the law was a general one in New England and, if the order in council were to be insisted on, it might endanger the titles to a considerable amount of New England real estate; and it would seem incredible that the home government could persist in so crippling the colonies. Therefore the colony was justified in believing that, if all the arguments were fairly presented to the Board of Trade, the good offices of that board might be obtained. This was an important step, for by the report of the committee of the council the matter had been referred to the board.

The strongest argument against the law was that it

was contrary to the law of England, and in the discussion which followed the colony exerted all its strength to minimize the force of this argument. The question is an important one in itself, but the value of the discussion lies in the expression of opinion on the part of the English and the colonial authorities regarding the interpretation and strict construction of the phrase "contrary to the law of England." There were three views held regarding the English law in the colonies, as to how far it was binding there, and to what extent the colonial corporations had been invested by their charters with law-making powers. The first of these opinions was held by all those who were opposed to the colonial prerogatives, such as Palmes, Hallam, Gershom Bulkeley, in his "Will and Doom," Winthrop the appellant, in his "Complaint" and "Memorial," Dudley and others. According to this view the colonies were erected as corporations within the kingdom of England; they held by and were subject to the laws of that kingdom, and their legislative power extended to the making of by-laws and ordinances only for their own good government, provided the same were not contrary to the law of England. From this point of view all laws passed by the colonial assemblies which were of a higher character than by-laws, and which, even within that limit, touched upon matters already provided for by English common or statute law, were illegal. The colonies were as towns upon the royal demesne.

The second view was expressed by the agent of Connecticut, Francis Wilks, and was doubtless held by those at home who, with English proclivities, were nevertheless well disposed toward the colonies. According to this view, it followed that when the colonists came to America they brought with them the common law to which they were entitled as Englishmen, and such part of the statute law

as was in force before the settlement of the plantations took place. To this body of law, written and unwritten, binding on the colonies, was to be added all such later acts of parliament as expressly mentioned the plantations, and such acts as had been re-enacted for the colony by her own legislature. But no other statutes passed since the settlement could be held as binding. Therefore, according to Wilks, that law was contrary to the law of England which was contrary to the common and statute law prior to the settlement, or to the statute law made afterwards which expressly mentioned the plantations.

Both of these views, however, were strictly opposed by the colony. To the statement that the common and statute law existent at the time of the settlement was in force in the colonies, the answer was made that the charter nowhere directed the administration to be according to one law or another, whether civil, common, or statute law; that by a decision of the council itself an uninhabited and conquered country was to be governed by the law of nations and of equity until the conqueror should declare his laws, and that if such declaration had not been made, then it was evident that the law of equity and of nations governed and not the common or statute law of England. Therefore, the colony argued, English common law could be binding beyond the sea only in case it had been accepted by the colonist's own choice. From the nature of the laws passed, it is evident that the colonial government never considered the common law to be in force within its jurisdiction, and in this belief it said it had never been corrected or otherwise instructed from the throne. In this connection Governor Talcott pertinently asks, "And why should we be directed to make laws not contrary to the laws of England if they were our laws, for

what propriety can there be in making that a directory to us in making a law which was our law before we made it." As this was the case, it is evident that something more was implied in the charter than the making of by-laws. In that document was proposed an object, the religious, civil, and peaceable government of the colony, which could not have been attained by the passing of by-laws. The charter implied a power to enact in the colony that which was law in England and also any good and wholesome law which was not contrary to it; and such limitations could not be to by-laws only. Furthermore, the colony insisted that the analogy to a municipal corporation in England was not sound, inasmuch as it was the privilege of Englishmen to be governed by laws made with their own consent. The colonies were not represented as were the English towns in parliament; therefore the only laws made with the consent of the colonies were those of their own legislatures, and those were more than by-laws. The opinion of the colony, therefore, was that the phrase, "contrary to the law of England," referred only to laws contrary to those acts of parliament which were in express terms designed to extend to the plantations. That this had been the practice as well as the theory in Connecticut is evident from Congreve's letter to the Board of Trade, in which he says, "They allow of none of the laws of England either common or statute to be pleaded in their courts."

According to the opinion held by Winthrop and Wilks the intestate law was clearly contrary to the law of England. Even Lieutenant Governor Law of the colony seems to have inclined to this view, for he came to the conclusion that the colony in acting in the past, contrary to the view expressed by Wilks, had been mistaken. But Governor Talcott was led into no such concession; he

stood firmly on the ground already taken, and adroitly persisted in maintaining the complete validity of the intestate law. He probably realized that under the circumstances concession was more dangerous than resistance, and that to accept Wilks's theory would be to strike a blow at the absolute integrity of the charter. "We would," he writes, "with the greatest prostration request your Majesty, that when we find any rules of law needful for the welfare of your Majesty's subjects here, which is not contrary to and agrees well with some one of the Tryangles of the law of England, as it then is, or heretofore had been, when England might have been under the like circumstances in that particular, which we are when we make the law, that it might not be determined to be contrary to the law of England."

The opinions of the English lawyers of this period, so far as I am able to discover them, are neither definite nor complete. In a report to the Board of Trade, Attorney General Yorke and Solicitor General Talbot upheld the colony's position regarding by-laws. They affirmed that the assembly of the colony had the right by their charter to make laws which affected property, on condition that such laws were not contrary to the law of England; but, although it seems probable that they intended "law of England" to cover the whole law, they did not make it clear what they meant by this term. Yet these same lawyers in a later judgment declared that in one particular case, the barring of an heir to entailed lands lying in the plantations by a process of fine and recovery in England, the common law did not extend to the plantations, unless it had been enacted in the plantation where the entailed lands lay. The board itself supported the colony against adverse criticism when it stated that according to the charter the laws were not repealable by

the crown, but were valid without royal confirmation unless repugnant to the law of England.

The most definite expression of opinion, however, was adverse to the view which the colony took. Mr. West, the first standing counsel to the Board of Trade, in a judgment rendered regarding admiralty jurisdiction in the plantations, took the ground that wherever an Englishman went there he carried as much of law and liberty with him as the nature of things allowed; that, in consequence of this, the common law of England was the common law of the colonies, and that all statutes in affirmance of the common law passed in England antecedent to the settlement of any colony were binding upon that colony. He also held, as did Wilks, that no statutes made since the settlements were in force unless the colonies were particularly mentioned. His view, which I do not doubt was very generally held by English lawyers outside of the colony, was simply a legal opinion, and was probably based on little real knowledge of the subject to which it referred. We are, therefore, fortunate in having another and different view of the matter of greater practical value. In 1733 Francis Fane, who succeeded West as standing counsel to the Board of Trade, returned to the board his comments upon the first installment of the laws of Connecticut and he completed his examination of the entire 387 laws in 1741. In this report opinion came face to face with facts, and the lawyer realized the anomaly of attempting to force English law upon a people whose conditions of life were in so many particulars different from those at home. In his comment upon the intestate law Fane notices that it was different from the law of England, but it is evident that this aspect of the case troubles him little. He is chiefly concerned with matters of rule, form, and procedure, and it is in these particulars

that his real objection to the law lies. He recommends the repeal of the act, but would substitute another law "either as it is now done in England or by such other methods as may best fit the province where this law is to take effect."

In this explicit statement there was for the colony a world of meaning. Furthermore, in his criticism of the later amendments and additions to the law he says nothing about their being contrary to the law of England; his recommendations for repeal are based upon the ground of uncertainty or upon some other defect of the law which would naturally attract a lawyer. An analysis of his comments upon the remaining 384 laws gives us approximately the same result. The laws recommended for repeal were too strict, severe, or unreasonable, incomplete or not severe enough, inexact, giving too much power to certain bodies, etc. In only one instance is a law declared contrary to the law of England, and then it is the legal principle implied in a part of the law that a man can be convicted on a general presentment which is declared repugnant. It is true that in a number of cases he recommends the repeal of a law which is different from the law of England, but it is not on the ground of its difference that the recommendation is made; it is because the law is unsatisfactory from a legal standpoint and would not be a good law in any civilized community. In nine cases, however, he considers the colony's convenience, and recommends the acceptance of the law, even though it would not have been proper for England or was not so good as the corresponding law in England. In these instances he recognizes the principle that the colony was generally the best judge of its own law, and practically concedes two of the points for which the colony contended, the principle of equity and that of

custom. Fane's comments are uniformly fair and reasonable, and contain not a trace of animus toward the colonies.

The circumstances and discussions thus far outlined are necessary to an understanding of the influences that acted upon the board when it came to draw up its representation to the committee of the council upon the petition of Belcher and Dummer. In this petition the colony begged the king to confirm by an order in council to the inhabitants of the province the lands already distributed under the intestate law, to quiet them therein, and to enable them to divide the lands of intestates in the same manner in the future. The colony had already discussed at considerable length the wording of the petition, debating whether it would be best to ask for a confirmation by an order in council, or to apply for leave to bring forward a bill in parliament. Belcher strongly advocated the latter method. Talcott in a forcible communication presented his fears of parliament in case the matter were brought to its attention, and he had good reason to fear if we are to judge from later events. He was a prophet in his apprehension that it might lead parliament to inquire whether the government had not accustomed itself to take the same liberty of making other laws contrary to the law of England; and, further, that it might lead parliament to the opinion that the charter had not made them a government or a province but only a corporation. Yet, on the other hand, it was equally true that neither the petition of Belcher nor the introduction of a bill in parliament was needed, if that body had desired to end the privileges of Connecticut in 1730 as it practically did those of Massachusetts in 1775.

It is not quite clear to which conclusion the agents arrived, though in the petition upon which the board

based its representation, confirmation was asked for by an order in council. This request at once raised an exceedingly important question expressive of the political change which had come over England since the Revolution of 1689. Could the king by virtue of his prerogative and without the assistance of parliament grant the wish of the colony? To this Fane answered at the request of the board, as follows:

I cannot pretend to say whether the King by virtue of his prerogative can do what is desired by the petitioners. But I must submit it to your Lordship's consideration supposing the King had a power by his prerogative of gratifying the request, whether under the circumstances of this case it would not be more for his Majesty's service to take the assistance of Parliament, as that method will be the least liable to objection as well as the most certain and effectual means of gratifying the request of the petitioners.

That this was the opinion widely held among English lawyers is evident from Belcher's letters, in which he mentions Lord Chancellor King and the counsel which he had secured as inclined to this view.

With this opinion of its legal adviser before it, the board summoned to its presence the agents of the colony, and Winthrop, and listened to the arguments on both sides. It then finished the draught of its own representation. Many influences underlay the wording of that report, influences which it has been the purpose of this paper to disclose. The report was the resultant of at least three forces: first, the desire to gratify the colony in confirming the lands already settled under the intestate law, for Dummer had ably presented the inconveniences which would follow the upholding of the decree of the council; secondly, the determination to syncopate the privileges of Connecticut on the ground that she had

been too independent of the crown, and had too long a list of charges against her to escape some limitation of her powers; and thirdly, the conviction, in view of the changing constitutional relations of king and parliament, that the only safe method whereby such end could be accomplished was to apply to the king for leave to bring in a bill for that purpose. A few extracts from the report will exemplify this. After recommending compliance with the request of the colony, the board adds,

And we think this may be done by his Majesty's royal license to pass an Act for that purpose with a saving therein for the interest of John Winthrop, Esq. But we can by no means propose that the course of succession to lands of inheritance should for the future be established upon a different footing from that of Great Britain. In return for so great a favor from the Crown we apprehend the people of Connecticut ought to submit to the acceptance of an explanatory charter whereby that colony may for the future become at least as dependent upon the Crown and their Native Country as the people of Massachusetts Bay now are whose charter was formerly the same with theirs. And we think ourselves the rather bound in duty to offer this to his Majesty's consideration because the people of Connecticut have hitherto affected so entire an independence of Great Britain that they have not for many years transmitted any of their laws for his Majesty's consideration nor any account of their public transactions. Their governors whom they have a right to choose by their charter ought always to be approved by the King, but no presentation is ever made by them for that purpose. And they, tho' required by bond to observe the laws of Trade and Navigation, never comply therewith, so that we have reason to believe that they do carry on illegal commerce with impunity, and in general we seldom or never hear from them except when they stand in need of the countenance, the protection or the assistance of the Crown.

With this report the case of Winthrop *vs.* Lechmere, growing as it did, out of the land system of the New

England colonies, has brought us step by step dangerously near to the principles and theories which underlay restriction on the one side and revolution on the other. How far this particular case and the discussions which grew out of it aided in the shaping of those principles, we need not attempt to discover. As part of the larger question of the uniting of the colonies and the annulling of the charters, its influence was direct and definite. After 1700 the fact of parliamentary supremacy was proven each time an effort was made to limit the independence of the proprietary and charter colonies and to bind them more firmly to the crown; and at the same time the continuance of such efforts for thirty years increased the familiarity of parliament with the task of controlling the colonies. In this the English authorities were not showing themselves either arbitrary or despotic. The Board of Trade, the crown lawyers, even the Privy Council acted according to their convictions, which, though honest, were based undoubtedly upon insufficient and *ex parte* information. Connecticut's policy of reticence was in part responsible for this; she had made it possible for her enemies to fill the minds of the home authorities with suspicion, and there was just enough truth at the bottom of the charges for them to be extremely effective. Other colonies as well were on the black list of the board. Among intelligent Englishmen both in and out of parliament there was a strong feeling that some of the colonies were not acting consistently with the interests of England, and needed the strong hand of parliament to curb them, even to the taking away of their treasured privileges.

But the blow was not to fall yet. Parliament was perhaps not yet prepared to intervene in the management of colonial affairs, however general the opinion seemed to be that it had a right, in view of the events of 1689, to

assume this function of the royal prerogative. Although for thirty years ample opportunities for so doing had been given, yet the rights and privileges of the charter colonies remained unimpaired. Perhaps the colonies had given insufficient provocation; if so, time would soon render the provocation greater, not because of any defiant act of the colonies but because of the inevitable tendency of their economic development. The intestacy law is but a straw showing the direction of the wind; it has a legal stamp upon it but it is in origin and effect an economic measure.

The representation of 1730, followed soon after by that of 1733 to the House of Commons, resulted in a vehement body of resolutions of the House of Lords, but no further effect was seen. One session of parliament passed and still another, but, as no steps were taken pursuant to the resolutions, the colony began to breathe more freely. That it would have resisted the acceptance of an explanatory charter is evident; it is fortunate that it was never called upon to put the matter to the test. While the fate of Connecticut was thus hanging in the balance, another case, that of *Phillips vs. Savage*, was carried by appeal from the superior court of Massachusetts to the king in council. Here a decision in favor of the intestacy law gave new courage to Connecticut, and in another private suit, that of *Clark vs. Tousey*, the matter was again brought before the king in council. The appeal was dismissed, however, by the Privy Council in 1745, not through any decision as to the right or wrong of the case, but because of the fact that Clark had not prosecuted the appeal within a year and a day as required by the council. Connecticut accepted the dismissal as a decision in her favor, although it was in fact nothing of the kind. It ended the matter, only because no one dared to make

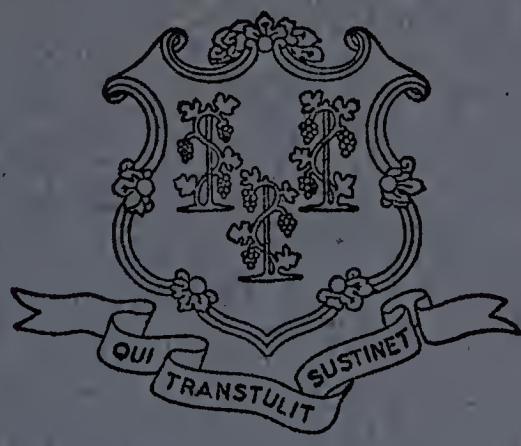
another appeal and the question never came up again.

We have now followed step by step this important question from its starting point in the land system of Connecticut to its final issue in the prerogatives of crown and parliament. The land system, representing the pre-feudal idea rather than the feudal, was reproduced in America with some important changes. Out of this sprang the law of intestacy, differing in principle from that of England which rested upon feudal law. This difference between the common law of the two countries was taken advantage of by certain disaffected ones of Connecticut who sought to benefit themselves by appealing to England against the colonial law. This matter, at first private, touching the lands and interests of but a few persons, became of wider importance by the vacation of the law by the king in council. By this the agrarian harmony of Connecticut, and possibly of New England, was threatened. This roused the colony, and the issue became a part of the larger question of the relations of the proprietary and charter colonies to the crown. This made the matter of importance not merely to Connecticut and New England, but to the other colonies of this class as well. But the influence of the Winthrop case did not stop here; it passed even higher, and raised the question of fundamental importance to all the colonies as to the constitutional relations of crown and parliament. The settlement of this question foreshadowed the action which parliament was to take forty years after.

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Connecticut History

TERCENTENARY COMMISSION OF THE
STATE OF CONNECTICUT



COMMITTEE ON
HISTORICAL PUBLICATIONS

The Charter of Connecticut
1662

PUBLISHED FOR THE TERCENTENARY COMMISSION
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1933



TERCENTENARY COMMISSION OF THE STATE OF CONNECTICUT

COMMITTEE ON HISTORICAL PUBLICATIONS

The Charter of Connecticut, 1662

THE charter of Connecticut was granted to the colony by Charles the Second, King of England. It is dated April twenty-third, "in the Fowerteenth yeare of our Reigne," which was 1662, and was validated by the affixing of the great seal of the realm on the tenth of May following. This charter formed the basis of the rights and powers of the inhabitants of the colony and was in effect the constitution of Connecticut for more than a century and a half. It is now the state's most precious relic of its early history.

At the time it was granted, the charter was issued in duplicate; that is, two charters practically identical were made and sealed for the colony. Each of the two was a valid charter, and each was called a "duplicate" in the text of the other. One of these charters was mutilated about 1817 when, either because its identity was not recognized or its historical significance not appreciated, it was cut up to form the lining of a lady's bonnet. About two-thirds of the second of the two parchment sheets upon which it is believed to have been written now remains. This fragment together with small portions of the green wax seal from one of the charters are now in

the custody of the Connecticut Historical Society at Hartford.

The other charter, written on three sheets of parchment and complete except for the loss of its seal, is now preserved in a special fireproof safe in the Memorial Hall of the State Library and Supreme Court building at Hartford. It is from this charter that the text of the document which follows has been copied.

No attempt has been made in printing to reproduce the large and elaborate letter C surrounding a portrait of the sovereign which begins the document or the enlarged letters of the six words forming the first line. Neither has attention been given to the heavier strokes of the engrosser's pen which serve to give emphasis to occasional words in the text.

The charter was first printed in 1718 from the text of the now imperfect document and this text continued to be used, in all official printings at least, until 1852. In that year it was officially printed in the second volume of *The Public Records of the Colony of Connecticut* from the document now in the custody of the Connecticut State Library, the same from which the accompanying text is printed.

ALBERT C. BATES

Passage of the Charter through the Seals.

A LETTERS patent under the great seal was a document of the highest importance and to obtain it was often a tedious and expensive process. The procedure was defined by an act of 1535 and remained essentially unaltered until the entire system of the seals was reorganized by acts passed in 1851 and 1884, greatly simplifying the process.

The events precedent to the issue of the charter are as follows. As soon as the news of the restoration of Charles II was received in the colony a hurried gathering was called by Governor Winthrop of such magistrates and deputies as could be assembled. These men agreed to recommend to the next General Court, that of March, 1661, the duty and necessity of dispatching a speedy address to "our Sovereigne Lord Charles," declaring that the inhabitants of the colony were "his Highness loyall and faythfull subjects" and asking for "the continuance and confirmation of such priviledges and liberties" as were necessary for "the comfortable and peaceable settlement" of the colony.

At the next court, that of May, a committee was appointed to perfect the address, which in the meantime had been drawn up by the governor, and to frame a petition for presentation "to his Ma^{tie}," together with letters to such "noble personages" as might be thought favorable to the colony, such as the Earl of Manchester; Lord Saye and Sele, Lord Brooke, and others of the old

Warwick patentees. This petition was accompanied by a rough and probably very incomplete statement of what the colony wanted. At the same time a body of instructions was prepared that presented in greater detail sundry matters of a more particular nature. These documents were presented at the meeting of the court in June and approved. As Winthrop was to be the colony's agent in transacting the business, the court gave him a fairly free hand to do as he liked, allowing him to write additional letters if he thought best and to present any further petition that he deemed necessary. It appropriated £80 for his expenses and £500 to meet official costs. He was expected to obtain, if possible, a confirmation of the old Warwick Patent, a copy of which he fortunately found among the Hopkins papers; and such confirmation, with the additions and enlargements desired, was to take the form of a royal letters patent or charter. Winthrop was specially enjoined to see that the "liberties and privileges inserted in the Pattent" were "not to be inferiour or short to what is granted to the Massachusetts."

Winthrop, bearing the address, petition, and letters, and a letter of credit authorizing him to charge bills on the colony to the value of £500, sailed from New Amsterdam on the *De Trouw*. In London he lived in Coleman Street, Lothbury, at the house of William Whiting, more than two miles from Whitehall where most of his work was to be done. In the course of his activities he was probably advised that the address drawn up in the colony was not in satisfactory form, and therefore he drafted or caused to be drafted another and more suitable text, in which he petitioned for a "Renual of the [Warwick] Pattent under your Ma^{ties} greate Seale." He probably also rewrote, with the assistance of a lawyer familiar with Chancery requirements, the form in which the charter

was to be issued, though the final wording would of necessity be the work of the crown officials themselves.

The petition and draft, thus revised to meet the demands of the occasion, were handed in some time before February 6, 1662, and were received by one of the principal secretaries of state, Sir Edward Nicholas, who at this time was nearing the end of his career, for he was supplanted by Sir Henry Bennet the October following. He was sixty-nine years old and in all his official duties was overshadowed and greatly influenced by the lord chancellor, the Earl of Clarendon, to whom more than to anyone else Connecticut owes her charter.

After perusal and consideration by the secretary of state the petition and draft were referred to the attorney-general, one of the two law officers of the crown, at this time Sir Geoffrey Palmer. The reference was accompanied by a memorandum attached to the face of the petition, which bears the date February 12. The report of the attorney-general was endorsed on the back of the petition—the exact date of the endorsement is illegible on the document itself—sometime between February 12 and 28, for the report was received by the secretary on the latter date. The secretary, acting under instructions from the King in council caused to be issued a warrant under the King's sign manual directed to the attorney-general and instructing him to prepare the text of the charter in the form known as the King's Bill, an instrument that generally but not always bore the King's signature. This warrant is dated February 28, the day the secretary received the report of the attorney-general. The latter had under his charge the Patent Office, or Patent Bill

¹ The best account of the preliminaries leading to the issue of the charter is by Albert C. Bates, *The Charter of Connecticut*, Connecticut Historical Society, 1932.

Office, as it was sometimes called, and on receiving the warrant from the secretary instructed the clerk of the patents to make two copies of the bill, after which the original petition and draft were returned to the attorney-general, who retained it in his possession. After the two copies had been made the original King's Bill was sent to the secretary of state for the King's signature and was then dispatched to the Signet and Privy Seal Offices for comparison.

The two engrossed copies of the King's Bill, which were made by the clerks of the Patent Office, were delivered, one to the Signet Office, as the latter's warrant for the issue of the Signet Bill, and the other to the Privy Seal Office. In the case of Connecticut the King's Bill, dated April 5, was put in charge at the Signet Office on April 14, and was compared by one of the four clerks with the copy sent by the secretary, for the purpose of checking up mistakes. Slight verbal errors were almost impossible to avoid, where so much copying was to be done, but deliberate alterations were certain to meet with detection and were probably never attempted. When comparisons were completed in the Signet Office, the Signet Bill was prepared, which was merely the King's Bill with the signet affixed, and was carried to the Privy Seal Office, which in Connecticut's day was only a few steps away on the north side of Whitehall Court. It was the warrant for the Lord Privy Seal to prepare the Writ of Privy Seal, which, as far as the text went, was the finished charter. The Writ of Privy Seal was engrossed by the clerk of the reports, who added the royal "style" at the beginning and the testing clause at the end, affixed the seal, and signed the instrument. The name "Howard" at the end of the Connecticut charter is undoubtedly that of the clerk of the reports in the

Privy Seal Office. The Lord Privy Seal at the time was John Robartes, first earl of Radnor, and the original Signet Bill should be found somewhere among his papers, if such are still in existence.

One copy of the Writ of Privy Seal was carried to the lord chancellor possibly by Winthrop himself, and another was sent to the Six Clerks' Office in Chancery Lane, where it was duly entered on the Patent Rolls. Were the charter in our State Library to be in any way impaired or destroyed an accurate text could be obtained at any time from that source. When the lord chancellor received the Writ of Privy Seal he wrote upon it, April 21, the word "recepi," which was the mark of his approval and his warrant to the clerk of the patents to prepare two engrossed and illuminated copies, exact textual reproductions of the Writ of Privy Seal, to be ready for the affixing of the great seal. The work of engrossing the parchments was the task of a specially skilled engrossing clerk in the Patent Office, who was familiar with the court hand of the day and gifted with considerable artistic ability and cleverness at penmanship. When all was ready the deputy of the lord chancellor, accompanied by the clerk of the Crown Office or his deputy and the clerk of the Hanaper, each of whom registered the two instruments and received a substantial fee therefor, attended the Chaff Wax, who provided and prepared the wax for the great seal and himself or his deputy looked after the actual business of attaching the seal to the instrument. Not until the seal was attached was the charter a legal document. Of the two copies engrossed and sealed, each was a duplicate of the other and each a true patent possessing equal validity with its fellow.

In the case of the Connecticut charter all the formal documents noticed above and all docquets which were

prepared in the Signet and Privy Seal Offices and recorded in the Docquet Books of those offices are still to be found in the records of the various departments and officials. The time required for the completion of the charter, about two and a half months, from the handing in of the petition to the affixing of the great seal, is less than in some instances and may be considered a fair average. Of the final cost of procuring the charter we have no certain knowledge, nor are we sure that the £500 appropriated by the colony was sufficient to meet all expenses. For the payment of this sum the treasurer, John Talcott, made himself personally responsible, but there is nothing to show that he was ever called upon for any part of the payment. The cost was met by a levy in grain upon the towns—two-thirds wheat and one-third pease, dry and merchantable—which was sent to New London for shipment in carts, boats, or canoes, pressed into service or hired for the purpose. Where the grain was ultimately sold is not recorded.

CHARLES M. ANDREWS

CHARLES the Second By the grace of God King of England Scotland France and Ireland defender of the Faith &c To all to whome theis presents shall come Greetinge Whereas by the severall Navigaõs, discoveries and successfull Plantaõs of diverse of our loveing Subiects of this our Realmes of England Severall Lands Islands Places Colonies and Plantaõs have byn obtained and setled in that parte of the Continent of America called New England and thereby the Trade and Commerce there hath byn of late yeares much increased And Whereas wee have byn informed by the humble Petiõn of our Trusty and welbeloved John Winthrop John Mafon Samuell Willis Henry Clerke Mathew Allen John Tappen Nathan Gold Richard Treate Richard Lord Henry Woolicott John Talcott Daniell Clerke John Ogden Thomas Wells Obedias Brewen John Clerke Anthony Haukins John Deming and Mathew Camfeild being Persons Principally interessed in our Colony or Plantaõn of Conecticut in New England that the same Colony or the greatest parte thereof was purchased and obteyned for greate and valuable Consideraõs And some other part thereof gained by Conquest and with much difficulty and att the onely endeavours expence and Charge of them and their Affociats and those vnder whome they Clayme Subdued and improved and thereby become a considerable enlargement and addiõn of our Dominions and interest there Now know yea that in consideraõn thereof and in regard the said Colony is remote from other the English Plantaõs in the Places aforesaid And to the end the Affaires and Busines which shall from tyme to tyme happen or arise concerning the same may bee duely Ordered and managed Wee have thought fitt and att the humble Petiõn of the Persons aforesaid and are graciously pleased to

Create and Make them a Body Politique and Corporate with the powers and Priviledges herein after menõned And accordingly Our will and pleasure is and of our especiall grace certeine knowledge and meere moõon Wee have Ordeyned Constituted and Declared And by theis presents for vs our heires and Successors Doe Ordeine Constitute and Declare That they the said John Winthrop John Mason Samuel Willis Henry Clerke Mathew Allen John Tappen Nathan Gold Richard Treat Richard Lord Henry Woollcot John Talcot Daniell Clerke John Ogden Thomas Wells Obadiah Brewen John Clerke Anthony Hawkins John Deming and Mathew Camfeild and all such others as now are or hereafter shall bee Admitted and made free of the Company and Society of our Collony of Connecticut in America shall from tyme to tyme and for ever hereafter bee one Body Corporate and Politique in fact and name by the Name of Governour and Company of the English Collony of Conecticut in New England in America And that by the same name they and their Successors shall and may have perpetuall Succession and shall and may bee Persons able and Capable in the law to Plead and bee Impleaded to Answer and to bee Answered vnto to Defend and bee Defended in all and singuler Suits Causes quarrelles Matters, Acõs and things of what kind or nature soever And alsoe to have take possesse acquire and purchase lands Tenements or hereditaments or any goods or Chattells and the same to Lease Graunt Demise Alien bargain Sell and dispose of as other our leige People of this our Realme of England or any other Corporaõn or Body Politique within the same may lawfully doe And further that the said Governour and Company and their Successors shall and may for ever hereafter have a Coõmon Seale to serve and vse for all Causes matters, things and

affaires whatsoever of them and their Successors and the same Seale to alter change breake and make new from tyme to tyme att their wills and pleasures as they shall thinke fitt And further wee will and Ordeine and by theis presents for vs our heires and Successors Doe Declare and appoint that for the better ordering and manageing of the affaires and bufinesse of the said Company and their Successors there shall bee one Governour one Deputy Governour and Twelve Assistants to bee from tyme to tyme Constituted Elected and Chosen out of the Freemen of the said Company for the tyme being in such manner and forme as hereafter in these presents is expressed which said Officers shall apply themselves to take care for the best disposeing and Ordering of the Generall bufines and affaires of and concerning the lands and hereditaments herein after menconed to bee graunted and the Plantacon thereof and the Government of the People thereof And for the better execucon of our Royall Pleasure herein Wee doe for vs our heires and Successors Assigne name Constitute and appoint the aforesaid John Winthrop to bee the first and present Governour of the said Company And the said John Mason to bee the Deputy Governour And the said Samuell Willis Mathew Allen Nathan Gold Henry Clerke Richard Treat John Ogden Thomas Tappen John Talcott Thomas Wells Henry Woolcot Richard Lord and Daniell Clerke to bee the Twelve present Assistants of the said Company to contynue in the said severall Offices respectively vntill the second Thursday which shall bee in the Moneth of October now next comeing And further wee will and by theis presents for vs our heires and Successors Doe Ordaine and Graunt that the Governour of the said Company for the tyme being or in his absence by occasion of sicknes or otherwise by his leave or permission the

Deputy Governour for the tyme being shall and may from tyme to tyme upon all occasions give Order for the assembling of the said Company and calling them together to Consult and advise of the businesse and Affaires of the said Company And that for ever hereafter Twice in every yeare That is to say on every Second Thursday in October and on every Second Thursday in May or oftner in Case it shall bee requisite The Assistants and freemen of the said Company or such of them not exceeding twoe Persons from each Place Towne or Citty whoe shall bee from tyme to tyme therevnto Elected or Deputed by the maior parte of the freemen of the respective Townes Cittyes and Places for which they shall bee soe elected or Deputed shall have a generall meeting or Assembly then and their to Consult and advise in and about the Affaires and businesse of the said Company And that the Governour or in his absence the Deputy Governour of the said Company for the tyme being and such of the Assistants and freemen of the said Company as shall be soe Elected or Deputed and bee present att such meeting or Assembly or the greatest Number of them whereof the Governour or Deputy Governour and Six of the Assistants at least to bee Seaven shall bee called the Generall Assembly and shall have full power and authority to alter and change their dayes and tymes of meeting or Generall Assemblies for Electing the Governour Deputy Governour and Assistants or other Officers or any other Courts Assemblies or meetings and to Chooße Nominate and appoint such and soe many other Persons as they shall thinke fitt and shall bee willing to accept the same to be free of the said Company and Body Politique and them into the same to Admitt and to Elect and Constitute such Officers as they shall thinke fitt and requisite for the Ordering mannageing and dif-

poseing of the Affaires of the said Governour and Company and their Successors And Wee doe hereby for vs our heires and Successors Establish and Ordeine that once in the yeare for ever hereafter namely, the said Second Thursday in May the Governour Deputy Governour and Assistants of the said Company and other Officers of the said Company or such of them as the said Generall Assembly shall thinke fitt shall bee in the said Generall Court and Assembly to bee held from that day or tyme newly Chosen for the yeare unfuing, by such greater part of the said Company for the tyme being then and there present And if the Governour Deputy Governour and Assistants by these presents appointed or such as hereafter bee newly Chosen into their Roomes or any of them or any other the Officers to bee appointed for the said Company shall dye or bee removed from his or their severall Offices or Places before the said Generall day of Eleccon whome wee doe hereby Declare for any misdemeanour or default to bee removeable by the Governour Assistants and Company or such greater part of them in any of the said publique Courts to bee Assembled as is aforesaid That then and in every such Case itt shall and may bee lawfull to and for the Governour Deputy Governour and Assistants and Company aforesaid or such greater parte of them soe to bee Assembled as is aforesaid in any of their Assemblies to Proceede to a New Eleccon of one or more of their Company in the Roome or Place Roomes or Places of such Governour Deputy Governour Assistant or other Officer or Officers soe dyeing or removed according to their discretions and immediately vpon and after such Eleccon or Eleccons made of such Governour Deputy Governour Assistant or Assistants or any other Officer of the said Company in manner and forme afore said The Authority Office and Power before given to the

former Governour Deputy Governour or other Officer and Officers soe removed in whose stead and Place new shall bee chosen shall as to him and them and every of them respectively cease and determine Provided alsoe and our will and pleasure is That as well such as are by theis presents appointed to bee the present Governour Deputy Governour and Assistants of the said Company as those that shall succeed them and all other Officers to bee appointed and Chosen as aforesaid shall, before they vndertake the Execucon of their said Offices and Places respectively take their severall and respective Corporall Oathes for the due and faithfull performance of their duties in their severall Offices and Places before such Person or Persons as are by these Presents hereafter appoynted to take and receive the same That is to say the said John Winthrop whoe is herein before nominated and appointed the present Governour of the said Company shall take the said Oath before one or more of the Masters of our Court of Chancery for the tyme being vnto which Master of Chancery Wee doe by theis presents give full power and authority to Administer the said Oath to the said John Winthrop accordingly. And the said John Mason whoe is herein before nominated and duely appointed the present Deputy Governour of the said Company shall take the said Oath before the said John Winthrop or any twoe of the Assistants of the said Company vnto whome Wee doe by these presents give full power and authority to Administer the said Oath to the said John Mason accordingly. And the said Samuell Willis Henry Clerke Mathew Allen John Tappen Nathan Gold, Richard Treate, Richard Lord, Henry Woolcott John Talcott Daniell Clerke John Ogden and Thomas Welles whoe are here in before Nominated and appointed the present Assistants of the said Company shall take the

Oath before the said John Winthrop and John Mafon or one of them to whome Wee doe hereby give full power and authority to Administer the same accordingly And our further will and pleasure is that all and every Governour or Deputy Governour to bee Elected and Chosen by vertue of theis presents shall take the said Oath before two or more of the Assistants of the said Company for the tyme being vnto whom Wee doe by theis presents give full power and authority to give and Administer the said Oath accordingly And the said Assistants and every of them and all and every other Officer or Officers to bee hereafter Chosen from tyme to tyme to take the said Oath before the Governour or Deputy Governour for the tyme being vnto which said Governour or Deputy Governour wee doe by theis presents give full power and authority to Administer the same accordingly And further of our more ample grace certeine knowledge and meere moçon Wee have given and Graunted and by theis presents for vs our heires and Successors Doe give and Graunt vnto the said Governour and Company of the English Colony of Conecticut in New England in America and to every Inhabitant there, and to every Person and Persons Trading thither And to every such Person and Persons as are or shall bee free of the said Collony full power and authority from tyme to tyme and att all tymes hereafter to take Ship Transport and Carry away for and towards the Plantation and defence of the said Collony such of our loveing Subjects and Strangers as shall or will willingly accompany them in and to their said Collony and Plantaton (Except such Person and Persons as are or shall bee there in restrayned by vs our heires and Successors) And alsoe to Ship and Transport all and all manner of goods Chattells Merchandizes and other things whatsoever that are or

shall bee vsfull or necessary for the Inhabitants of the said Collony and may lawfully bee Transported thither Neverthelesse not to bee discharged of payment to vs our heires and Successors of the Dutyes Customs and Subsidies which are or ought to bee paid or payable for the same And further Our will and pleasure is And Wee doe for vs our heires and Successors Ordeyne Declare and Graunt vnto the said Governor and Company and their Successors That all and every the Subjects of vs our heires or Successors which shall goe to Inhabite within the said Colony and every of their Children which shall happen to bee borne there or on the Sea in going thither or returneing from thence shall have and enjoye all liberties and Immunities of free and naturall Subjects within any the Dominions of vs our heires or Successors to all intents Construc̃ons and purposes whatsoever as if they and every of them were borne within the Realme of England And Wee doe authorise and impower the Governor or in his absence the Deputy Governor for the tyme being to appointe two or more of the said assistants att any of their Courts or Assemblies to bee held as aforesaid to have power and authority to Administer the Oath of Supremacy and obedience to all and every Person and Persons which shall att any tyme or tymes hereafter goe or passe into the said Colony of Conecticut vnto which said Assistants soe to bee appointed as aforesaid Wee doe by these presents give full power and authority to Administer the said Oath accordingly. And wee doe further of our especiall grace certeine knowledge and meere mõcon give and Graunt vnto the said Governor and Company of the English Colony of Conecticut in New England in America and their Successors that itt shall and may bee lawfull to and for the Governor or Deputy Governor and such of the Assistants of the said

Company for the tyme being as shall bee Affembled in any of the General Courts aforefaid or in any Courts to bee efpecially Sumoned or Affembled for that purpofe or the greater parte of them whereof the Governor or Deputy Governor and Six of the Affiftants to be all wayes Seaven to Erect and make ſuch Judicatories for the heareing and Determining of all Acõs Causes matters and thinges happeing within the ſaid Colony or Plantaõ and which ſhall bee in diſpute and depending there as they ſhall thinke fitt and convenient And alſoe from tyme to tyme to Make Ordaine and Eſtabliſh All manner of wholfome and reaſonable Lawes Statutes Ordinances Direcõs and Inſtrucõs not contrary to the lawes of this Realme of England aſwell for ſetling the formes and Ceremonies of Governement and Mageſtracy fitt and neceſſary for the ſaid Plantaõ and the Inhabitants there as for nameing and Stileing all ſorts of Officers both ſuperior and inferior which they ſhall find needfull for the Governement and Plantaõ of the ſaid Colony and the diſtinguiſhing and ſetting forth of the ſeverall Dutyes Powers and Lymitts of every ſuch Office and Place and the formes of ſuch Oaths not being contrary to the lawes and Statutes of this our Realme of England to bee Adminiſtred for the Execuõ of the ſaid ſeverall Offices and Places As alſoe for the diſpoſeing and Ordering of the Elecõ of ſuch of the ſaid Officers as are to bee Annually Chofen and ſuch others as ſhall ſucceed in caſe of death or removall and Adminiſtring the ſaid Oath to the new Elected Officers and Graunting neceſſary Comiſſions and for impoſiõ of lawfull Fines Mulcts Imprifonment or other Punifhment vpon Offenders and Delinquents according to the Courſe of other Corporaõs within this our Kingdome of England and the ſame lawes fines Mulcts and Execuõs to alter change revoke adnull releafe or

Pardon vnder their Comon Seale As by the said Generall Assembly or the major part of them shall bee thought fitt And for the directing ruleing and disposing of all other matters and things whereby our said People Inhabitants there may bee soe religiously peaceably and civilly Governed as their good life and orderly Conversaçon may wynn and invite the Natives of the Country to the knowledge and obedience of the onely true God and Saviour of mankind and the Christian faith which in our Royall intençons and the Adventurers free profession is the onely and principall end of this Plantaçon Willing Commanding and requireing and by these presents for vs our heires and Successors Ordaineing and appointeing That all such Lawes Statutes and Ordinances Instrucçons Imposiçons and Direcçons as shall bee soe made by the Governor Deputy Governor and Assistants as aforesaid and published in writeing vnder their Comon Seale shall carefully and duely bee observed kept performed and putt in executon according to the true intent and meaning of the same And these our letters Patents or the Duplicate or Exemplificaçon thereof shall bee to all and every such Officers Superiors and inferiors from tyme to tyme for the Putting of the same Orders lawes Statutes Ordinances Instrucçons and Direcçons in due Execuçon against vs our heires and Successors, a sufficient warrant and discharge And wee doe further for vs our heires and Successors give and Graunt vnto the said Governor and Company and their Successors by these presents That itt shall and may bee lawfull to and for the Cheife Commanders Governors and Officers of the said Company for the tyme being whoe shall bee resident in the parts of New England hereafter mençoned and others inhabiting there by their leave admittance appointment or direcçon from tyme to tyme and att all tymes hereafter for their speciall defence

and safety to Assemble Martiall Array and putt in Warlike posture the Inhabitants of the said Colony and to Commissionate Impower and authorise such Person or Persons as they shall thinke fitt to lead and Conduct the said Inhabitants and to encounter expulſe repell and reſiſt by force of Armes as well by Sea as by land And alſoe to kill Slay and deſtroy by all fitting wayes enterprizes and meanes whatſoever all and every ſuch Perſon or Perſons as ſhall att any tyme hereafter Attempt or enterprize the deſtruc̃on invaſion detriment or annoyance of the ſaid Inhabitants or Plantãcon And to uſe and exerciſe the Law Marciall in ſuch Caſes onely as occaſion ſhall require And to take or ſurprize by all wayes and meanes whatſoever all and every ſuch Perſon and Perſons with their Shipps Armour Ammunĩcon and other goods of ſuch as ſhall in ſuch hoſtile manner invade or attempt the defeating of the ſaid Plantãcon or the hurt of the ſaid Company and Inhabitants and vpon iuſt Cauſes to invade and deſtroy the Natives or other Enemyes of the ſaid Colony Nevertheless Our Will and pleaſure is And Wee doe hereby Declare vnto all Chriſtian Kings Princes and States That if any Perſons which ſhall hereafter bee of the ſaid Company or Plantãcon or any other by appointment of the ſaid Governor and Company for the tyme being ſhall att any tyme or tymes hereafter Robb or Spoile by Sea or by land and doe any hurt violence or vnlawfull hoſtillity to any of the Subiects of vs our heires or Succeſſors or any of the Subiects of any Prince or State beinge then in league with vs our heires or Succeſſors vpon Complaint of ſuch iniury done to any ſuch Prince or State or their Subiects Wee our heires and Succeſſors will make open Proclamãcon within any parts of our Realme of England fitt for that purpoſe That the Perſon or Perſons committinge any ſuch Robbery or Spoile ſhall

within the tyme lymitted by such Proclamaçon make full restituçon or satisfacçon of all such iniuries done or committed Soe as the said Prince or others soe complayneing may bee fully satisfied and contented And if the said Person or Persons whoe shall committ any such Robbery or Spoile shall not make satisfacçon accordingly within such tyme soe to bee lymitted That then itt shall and may bee lawfull for vs our heires and Successors to putt such Person or Persons out of our Allegiance and Protecçon And that it shall and may bee lawfull and free for all Princes or others to Profecute with hostility such Offenders and every of them their and every of their Procurers ayders Abettors and Councillors in that behalfe Provided alsoe, and our expresse will and pleasure is And Wee doe by these presents for vs our heires and Successors Ordeyne and appointe that these presents shall not in any manner hinder any of our loveing Subiects whatsoever to vse and exercise the Trade of Fishinge vpon the Coast of New England in America but they and every or any of them shall have full and free power and liberty to contynue and vse the said Trade of Fishing vpon the said Coast in any of the Seas therevnto adioyning or any Armes of the Seas or Salt Water Rivers where they have byn accustomed to Fish And to build and sett vpon the waist land belonging to the said Colony of Conecticut such Wharfes Stages and workehouses as shall bee necessary for the Salting dryeing and keeping of their Fish to bee taken or gotten vpon that Coast any thinge in these presents conteyned to the contrary notwithstanding And knowe yee further That Wee of our more abundant grace certaine knowledge and meere moçon have given Graunted and Confirmed And by theis presents for vs our heires and Successors Doe give Graunt and Confirme vnto the said Governor and Company and their Successors All that

parte of our Dominions in Newe England in America bounded on the East by Norrogancett Riuer comonly called Norrogancett Bay where the said Riuer falleth into the Sea, and on the North by the Lyne of the Massachusetts Plantation and on the South by the Sea, and in longitude as the Lyne of the Massachusetts Colony runinge from East to West that is to say, from the said Narrogancett Bay on the East to the South Sea on the West parte with the Islands therevnto adjoyneinge Together with all firme lands Soyles Grounds Havens Ports Rivers Waters Fishings Mynes Myneralls Precious Stones Quarries and all and singuler other Comodities Jurisdicçons Royalties Priviledges Francheses Preheminiences and hereditaments whatsoever within the said Tract Bounds lands and Islands aforesaid or to them or any of them belonging To have and to hold the same vnto the said Governor and Company their Successors and Assignes, for ever vpon Trust and for the vse and benefitt of themselves and their Associates freemen of the said Colony their heires and Assignes To bee holden of vs our heires and Successors, as of our Mannor of East Greenwich in Free and Common Soccage and not in Capite nor by Knights Service Yeilding and Payinge therefore to vs our heires and Successors onely the Fifth parte of all the Oare of Gold and Silver which from tyme to tyme and att all tymes hereafter shall bee there gotten had or obteyned in lieu of all Services Dutyes and Demaunds whatsoever to bee to vs our heires or Successors therefore or thereout rendered made or paid And lastly Wee doe for vs our heires and Successors Graunt to the said Governor and Company and their Successors by these presents that these our Letters Patent shall bee firme good and effectuall in the lawe to all intents Construcçons and purposes whatsoever accordinge to our true intent and meaneing

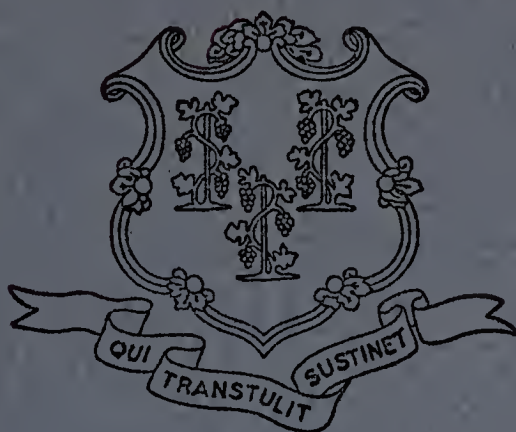
herein before Declared as shall bee Construed reputed and adiudged most favourable on the behalfe and for the best benefitt and behoofe of the said Governor and Company and their Successors Although Expresse mention of the true yearely value or certainty of the premisses or of any of them or of any other Gifts or Graunts by vs or by any of our Progenitors or Predecessors heretofore made to the said Governor and Company of the English Colony of Conecticut in New England in America aforesaid in theis presents is not made or any Statute Act Ordinance Provision Proclamacon or Restriction heretofore had made Enacted Ordeyned or Provided or any other matter Cause or thinge whatsoever to the contrary thereof in any wise notwithstanding In Witnes whereof wee have caused these our letters to bee made Patent Witnes our Selfe att Westminster the Three and Twentieth day of Aprill in the Fowerteenth yeare of our Reigne.

By writt of Privy Seale

HOWARD

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no. 4

TERCENTENARY COMMISSION OF THE
STATE OF CONNECTICUT



COMMITTEE ON
HISTORICAL PUBLICATIONS

Thomas Hooker

PUBLISHED FOR THE TERCENTENARY COMMISSION
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TERCENTENARY COMMISSION OF THE STATE OF CONNECTICUT

COMMITTEE ON HISTORICAL PUBLICATIONS

Thomas Hooker

WARREN SEYMOUR ARCHIBALD

THESE years are years of remembrance in New England. We are reminded by these anniversaries of those who, crossing the Atlantic in such little ships as the *Arbella* and the *Griffin*, laid down the keels of these ships of state, these free and noble commonwealths in which we have found safety in storms and pure delight in peace.

One of the most notable of those journeymen of God was our own great fellow citizen, Thomas Hooker, a statesman of the first rank and a powerful preacher of the gospel of Jesus Christ.

Thomas Hooker was born in 1586, in the hamlet of Marfield, in the parish of Tilton, in the county of Leicestershire, England. That region is the midland of England, and there in those neighborhoods of Stratford, Bedford, and Huntingdon were born Shakespeare, Bunyan, and Cromwell. From the hilltops in that parish you could see in his day, and you can see today, one of the most beautiful landscapes in that English countryside. On one of those hilltops stands St. Peter's Parish Church; a stone, Gothic church built in the middle of the twelfth century. It was

four hundred years old when Thomas Hooker was baptized at its old font in 1586, and it is almost eight hundred years old today. The parish had few inhabitants in the middle of the sixteenth century, and it had few inhabitants in the middle of the nineteenth. In 1564, when Queen Elizabeth was on the throne, Marfield had six families. In 1884, when Victoria was queen, Marfield had five families. Not much change in three hundred years!

If Thomas Hooker, like the ghost in Hamlet, could revisit "the glimpses of the moon," he would have seen, I imagine, in 1931 much that was familiar in 1631. There is the same countryside, there is St. Peter's Parish Church, just as it looked four hundred years ago; there without is the ancient churchyard; there within is the old octagonal font; there is the monument, which he had seen so often as a boy, to Jehan de Digbie, Christ's soldier in the Holy Land, his hand on his sword, and a lion at his feet. Yes, if Thomas Hooker returned to Marfield, in Old England, he would find few changes. But if he returned to Hartford, in New England, what a change he would behold from the frontier settlement he helped to found to the goodly city in which we live! He would exclaim: What wonderful works of men and God have been wrought in this new world!

From that little, quiet, hamlet of Marfield and its six families, and its leisurely path of one and a half miles across the fields to St. Peter's Church, Thomas Hooker was sent as a boy of thirteen or fourteen to the grammar school at Market Bosworth, a school established by the generous gift and endowment of Sir Wolstan Dixie in 1586. So the boy and the school had the same age. This was the school where Dr. Johnson, almost two hundred years later, was an "usher." Only twenty-five miles away from the school is Bosworth Field, where Richard III lost

his crown and his life. And while this boy Thomas Hooker was studying his Latin and Greek in Bosworth Grammar School, another boy from that same midland region was writing a play about that crook-backed king, and his crooked reign, and the battlefield of Bosworth; the play that makes history rise from the dead on Bosworth Field and live again in the living words of men.

From that grammar school in Market Bosworth, Hooker went at the age of eighteen to Cambridge University where he was first enrolled in Queens', and later in Emmanuel College—the college from which many of the first Congregational ministers graduated. Cambridge University, and this college in particular, were then the intellectual nurseries for the Puritan Party in England. The spirit of the place was Puritan. Emmanuel was a new college in those days, and represented the new ideas. It had just been founded by a member of the Mildmay family, the same family which had lived for generations in Cheltenham, where, later, Thomas Hooker was to be the lecturer at St. Mary's. Queen Elizabeth had looked with some suspicion on this Puritan college founded by this Puritan family, and had said to Mildmay in her sharp, quick way: "Sir Walter, I hear you have erected a Puritan foundation in Cambridge." He replied like a good and acceptable man at court, that he had only planted an acorn, and he couldn't be sure what kind of fruit might grow from this planting. In this Puritan university, and in a period reverberant with great events, Thomas Hooker received his higher education.

Even to this day the college retains this simplicity. In 1930 I visited Thomas Hooker's college. I was fortunate in having one of the resident instructors for a guide. He took me all over the college from cellar to attic. The silver was being cleaned that day, and I was able to see all their

treasures, some pieces dating from those early days, though whether Hooker ever saw them or not I cannot be sure. The college has been changed, in one way and another, a great deal since Thomas Hooker's years of residence. Much of it was rebuilt in the days of Sir Christopher Wren. But there is one old dormitory, and there are some old walls, and the cellars, and the kitchen, which probably Thomas Hooker would recognize as familiar. Here he took his B.A. degree in 1608, his M.A. in 1611, here he remained a student for seven years, and here he continued for three or seven years more. Those were great years in English history. Queen Elizabeth was leaving the stage on which she had played a great part in the grand style. King James, the son of the rival queen whom Queen Elizabeth had ordered beheaded, was now on the throne with his pernicious ideas of divine authority. The authorized version of the Bible was published in 1611, the year Hooker took his M.A. degree. In 1608, the year Hooker received his B.A. degree, Pastor John Robinson and the people of the Scrooby Church sought refuge in Holland. Those were the years which marked the beginning of the long and bitter war between the Stuart kings and parliament; the years which saw the efforts to marry Prince Charles to the Infanta of Spain; the years which witnessed the execution of Sir Walter Raleigh and the outbreak of the 'Thirty Years' War. These were the crucial episodes which concerned the minds and conversations of men between 1604 and 1630. No one then concerned with history could have attached much if any significance to a little group sailing in a ship called the *Mayflower* toward the new world in 1620. Yet how that event has grown into vast meanings and connections, and how many a crisis then considered by contemporaries as prodigious and portentous, has shrunk and faded away

into oblivion. It makes one wonder what unconsidered and perhaps unknown trifle of our day will occupy high and bold headlands of history, where the currents of the centuries sweep by, displacing forever in the minds of men those events which now occupy transient headlines of the press.

In all those contemporary events we can surely believe Thomas Hooker was interested. Others who shared with him attention to their present hour, were the men who were in Cambridge University at that time and who like him came to be great Puritan divines. Among these were Nathaniel Ward, graduated in 1603, later minister in Ipswich, Massachusetts, and author of the *Simple Cobbler of Agawam*; William Ames, afterward associated with Hooker and the English exiles in Rotterdam; Peter Bulkeley, M.A. in 1605, and first minister in Concord, Massachusetts; John Cotton, M.A. in 1606, and minister of the first church in Boston; Francis Higginson, M.A. in 1613, minister in Salem; John Wilson, afterward associated for so long a time with John Cotton in Boston. All these men, afterward so prominent in the founding and development of New England, were Thomas Hooker's contemporaries in Cambridge, and we can be sure they studied not only their books, but also those strange forces which were shaping the destiny of England.

In the year 1620—that year which means so much in our New England history—Thomas Hooker left Cambridge University, and was made minister of a little country church in Esher, Surrey, about sixteen miles from Westminster. Sixteen miles from Westminster Bridge is no distance at all now in these days of automobiles; but it was something of a distance in 1620. Esher was then, and is now, a little village near the Thames. And the church was a little village church, not capable of seating at the

most, a hundred people. Here Hooker worked as minister for five years, and here he married his wife Susanna.

In 1625 he was called to be the lecturer in St. Mary's Church, Chelmsford, Essex. Chelmsford is twenty-nine miles east of London, on the road from London to Harwich, the port at which so many travellers from Holland debark. This was a change from the quiet little village of Esher. Chelmsford was then, and still is today, a busy town. St. Mary's Church is a very ancient and very noble building. It is built of flint, the stone employed so frequently in churches in that part of England. There is a Norman door in the great tower. In the arch over that door are to be found the Boar and Mullet of the De Vere family. King Henry VIII gave the patronage of the church to Roger Mildmay, ancestor of Sir Walter who founded Emmanuel College. Twenty generations of that family sleep beneath its roof today.

In this ancient church Thomas Hooker preached for almost four years. He made a deep impression. He was a real preacher. His congregation was composed of people who came from all directions in that neighborhood.

Before he left England he preached a sermon entitled: "The Danger of Desertion, A Farewell Sermon." This was printed several years later in 1641, in London, Old Bailey, in Greene-Arbour, at the sign of the Angell. It will give you a good idea of the powerful preacher in St. Mary's, Chelmsford. He was preaching to Englishmen on the peril of England:

Plead with England, my Ministers, in the way of truth and say unto them, let them cast away their rebellions lest I make her as I found her in captivity in the days of bondage. . . . England hath been a mirror of mercy, yet God may leave us and make us a mirror of his justice.

.

Go to Bohemia, from thence to the Palatinate, and so to Denmark. . . . You cannot go two or three steps but you shall see the heads of dead men, go a little further and you shall see their hearts picked out by the fowls of the air, whereupon you are ready to conclude that Tilly hath been there.

.

For this is our misery, if that we have quietnesse and commodity we are well enough, thus we play mock-holy-day with God, the Gospell we make it our pack-horse; God is going, his glory is departing, England hath seen her best dayes, and now evill dayes are befalling us; God is packing up his Gospell, because no body will buy his wares, nor come to his price. Oh lay hands on God! and let him not goe out of your coasts, he is a going, stop him, and let not thy God depart, lay siege against him with humble and hearty closing with him, suffer him not to say, as if that he were going, farewell, or fare ill, England, God hath said he will doe this, and because that he hath said it, therefore prepare to meet thy God, O England.

.

Our God is going, and do you sit still on your beds? Would you have and keep the Gospell with these lazy wishes? Arise! Arise! and down on your knees, and intreat God to leave his Gospell to your posterity.

This preaching abounds in short, quick sentences which must have shot like arrows to the mark. Now he speaks in irony of those who “give a bow with the knee and a stab with the heart.” Now he asks in sternness: “What are we? I will tell you. We are a burthen to God.” Now he proclaims the good news: “That man that will bid God welcome to his heart, may go singing to his grave.” Now he preaches the evangel concerning the real Christian: “Though he wear a ragged coat and be pinched with hunger, yet he wants God more than these.”

This was the kind of preaching which drew multitudes to St. Mary's. And this success brought down upon his

head the displeasure of Archbishop Laud who was "endeavouring to suppress good preaching and advance Popery." Complaints were sent to London by members of Laud's party. Efforts were made to check and block these perilous reports. A petition signed by fifty-one ministers in Essex County was sent to Archbishop Laud saying: "We all esteem and know the said Thomas Hooker to be for doctrine orthodox, for life and conversation honest, and for his disposition, peaceable." In spite of this loyal support, the position grew too dangerous, and so it seemed wise to resign. This was probably in 1629. He retired to a village four miles away called Little Baddow and here he kept a school. His assistant was John Eliot, afterward the famous minister in Roxbury and still more famous missionary to the Indians, whose Indian Bible we may stop to note is the strange source of one notable word in our political vocabulary, "Mugwump". Even in this retirement in Little Baddow, Thomas Hooker was not safe. His enemies were powerful. They succeeded in having him cited to appear before the High Commission Court. Fortunately for him at that time he was sick and unable to appear. He was placed under bond for £50. As soon as he was well, he escaped to Holland. Friends paid the bond. The Earl of Warwick provided a place for his family. He was lucky to get away. One of the ministers who was caught was whipped, branded, his nostrils slit, and his ears cut.

Holland was the sanctuary for many an Englishman in those days of persecution and martyrdom. Today we can still see the little brick houses where they lived, in the narrow streets and courts and alleys of Leyden, and Amsterdam, and Delft. Here is the pulpit where their minister preached. Here are the same canals they saw. Here, too, are the memorials of Holland's great fight with Spain

which stirred the Protestant heart of those exiles, as it moves the heart and mind of the visitor today.

But though they were grateful for this sanctuary, and proud of the Protestant achievements of the Low Country, yet they were always mindful of the land whence they fled, wistful to return and eager to be again in England. And when this, by virtue of the persecution in their homeland, became manifestly impossible, then with determination they sought another country in the wilderness of the new world. This was especially true of Thomas Hooker. Some of his congregation had already gone, in 1632. In 1633 he managed to pass from Holland to England without being seized by the officers of the king, and there he and John Cotton sailed in the *Griffin* for New England. They were eight weeks at sea. Hooker and his congregation, "the Braintree Company (which had begun to sit down at Mt. Wollaston)" were assigned by the colony to what is now Cambridge, then called Newtown. It was a little village of one hundred families "having many hundred acres of ground paled in with one general fence which is about a mile and a half long which secures all the weaker cattle from the wild beasts." Their houses were gathered near the bank of the river, where the college dormitories now stand. Some old eighteenth-century houses still remain in that neighborhood, and monuments and tablets commemorate historic places. The house where Thomas Hooker lived, stood in what is now the Harvard College Yard. A stone bearing an inscription, on the street side of Boylston Hall, marks the site of his parsonage. His church, the first Church of Christ in Newtown, met in the meetinghouse at the southwest corner of Mt. Auburn Street and Dunster Street.

But they were not satisfied with this situation. Soon they desired a change. On October 11, 1633, three

hundred years ago, Thomas Hooker was settled as their pastor and teacher. In May, 1634, just eight months later, they "desired leave of the Court to look out either for enlargement or removal," stating in their petition that they suffered "straitness for want of land." In that spring they sent men exploring in Agawam and Merri-mac, and on July 6 to Connecticut "intending to remove their town thither." In September the General Court met in Newtown. Their main business was the question of this removal. The main reasons given in the petition of Newtown for leave to remove to Connecticut are these:

1. Their want of accommodation in Newtown.
2. The fruitfulness and commodiousness of Connecticut.
3. The strong bent of their spirits to move thither.

The question was pretty thoroughly debated, voted on, and finally settled by a sermon of John Cotton, with the decision that they were to remain in Newtown. Enlargements were added to their town. They were given, in addition to Cambridge, what is now Brookline, Brighton, Newton, and Arlington. Still they were not content to remain in Newtown. Some historians, Dr. Trumbull and Dr. Walker for example, consider it probable that there was a conflict, or at any rate lack of sympathy and unanimity, between such leaders as Winthrop and Hooker, and between the settlement in Newtown and the settlement in Boston. At any rate, in spite of the decision, some of the Newtown settlers left the bank of the Charles River immediately and spent that winter on the Connecticut. By spring all had finally decided to move. Thomas Shepard and his congregation had arrived from England in February. To him and his people they sold their houses and lands in Newtown. On May 31, 1636,

they began their famous journey. They followed a trail known as the Old Bay Path (or the Old Connecticut Path). They were the first in that western migration and frontier movement which did not stop until men reached the Pacific.

When Thomas Hooker came with his company, two advance parties were already here. The first company, led by William Goodwin, came in October, 1635. The second company was led or met by Samuel Stone, the teacher of the church.

It was the custom of the first Congregational Churches in New England to have two ministers: one called the pastor, and one called the teacher. Thomas Hooker was not a Separatist. He was an Independent, a Congregationalist. He believed in the liberty and independence of the individual church. In Winthrop's *Journal* there is this paragraph: "Mr. Hooker, pastor of the Church of Newtown, and most of his congregation went to Connecticut. His wife was carried in a horse litter; and they drove one hundred and sixty cattle, and fed of their milk by the way."

Their trail, the Old Bay Path or the Old Connecticut Path, wound through Cambridge, Watertown, Waltham, Weston, Wayland, Framingham, passing north of Cochituate Pond, turning south through South Framingham, Hopkinton, Westborough, Grafton (where there was an Indian village of John Eliot's Christian Indians), and so through Millbury, Oxford, Charlton, and Sturbridge. Near here, marked by a tablet today, is the Leadmine Hill of the Indians and of Governor Winthrop of Connecticut, and here is Tantiusque, "the ancient Indian gateway to the West." Reaching the Quabaug River, they followed this river to Springfield and the Connecticut. From Springfield the Old Bay Path came through Long-

meadow, along the meadows to John Bissell's ferry in Windsor. Here they crossed the river, and so on to the site and settlement so familiar to you in Hartford. This was in June, 1636.

Something of the beauty of this valley can be imagined. These pioneers increased that loveliness, and gave to all that nature had endowed, the labor of their hands and the glory of their lives. A century and a half later, John Adams, riding through this rich valley, wrote in his diary:

I have spent this morning riding through Paradise. . . . A vast prospect of level country on each hand. . . . Here is the finest ride in America I believe; nothing can exceed the beauty and fertility of the country. The lands upon the river, the flat lowlands are loaded with rich, noble crops of grass and grain and corn. Wright says some of the lands will yield two crops of English grass.

The possibilities of this beauty and the potential wealth of this valley were evident to the pioneers of 1636, and here they established the work of their hands.

Thomas Hooker was busy in those years as settler, minister, and statesman. One of his most famous sermons was that preached on May 31, 1638, two years after they arrived, before an adjourned session of the April Court. His text was, Deuteronomy 1:13, "Take you wise men, and understanding, and known among your tribes, and I will make them rulers over you." In this sermon he laid down three doctrines:

Doc. I. That the choice of public magistrates belongs unto the people by God's own allowance.

Doc. II. The privilege of election which belongs unto the people must not be exercised according to their humour, but according to the blessed will of God.

Doc. III. That they who have the power to appoint officers and magistrates, it is in their power also to set the bounds of the power and place unto which they call them.

This is the famous sermon in which are found the principles soon after formulated in the Fundamental Orders.

So the years went by in the church and settlement in Hartford, Thomas Hooker preached the gospel of Christ in a free church to a free people. You can imagine him living in his parsonage near Arch Street and drawing water from his well which can still be seen in the *Foundry Room* of the Taylor & Fenn Company. You can imagine him preaching in the meetinghouse in Meeting-House Yard, now the old State House Square, and drawing the water of life from the deep wells of the living word. You can turn to his will and rebuild in your mind the contents of that parsonage—"the furniture in the new Parlour, in the Hall, in the ould Parlour, in the Chamber over that in the Hall Chamber, in the kitchen Chamber, in the Chamber over the new Parlour, in the garritts, in the kitchen, and especially the Bookes in his studdy." You can think of him visiting his people like a good shepherd of the flock.

In those eleven years in Hartford he made the journey between Hartford and Boston four times at least, and probably more, visiting Roger Williams at Providence at least once on the way. Just one year after he came to the river, he was called back to the Bay to serve in the council called for the trial of Anne Hutchinson. In May, 1639, Mr. Hooker, and Mr. Haynes, Governor of Connecticut, journeyed to Boston "and staid near a month," in conference on a possible federation of Connecticut and Massachusetts. In September, 1643, he came again as one of the moderators of the Cambridge Synod. You can see him going to Saybrook as an unofficial representative of the General Court to discuss with Fenwick the question of union with the river towns. In July, 1645, he was once more in Cambridge attending a council of the churches, where his book, *Survey of the Summe of Church-Disci-*

pline, which the churches had asked him to prepare, was among the books agreed upon by the council and “sent over into England to be printed.”

So the years went by—1636 to 1647—in Hartford, far away from Cambridge and London; those years which in England were loud with debate and furious with war. The great and serious controversy between King Charles I and Parliament was drawing steadily nearer to an issue in action. Laud was making life intolerable by his tyranny for many Englishmen. Cromwell and Milton, Hampden and Pym, were pleading for the liberties of England. In 1638, two years after Hooker came to Hartford, the English revolution of the seventeenth century began with the revolt in Scotland. In 1640 the Long Parliament was summoned. Strafford was sent to the block. The Star Chamber and High Commission Courts were abolished. From 1642 to 1646, the last years of Hooker’s life in Hartford, the great civil war was fought in England: the Battle of Edgehill in 1642, Marston Moor in 1644, and Naseby in 1645. These were the stern actions which were deciding that Parliament was to be the dominant force in the English constitution. That civil war was in the thoughts of all New England.

Far removed by land and sea from this civil war, the life of a man who was also in his way a dominant force in the constitution of the English speaking peoples was drawing to a close. In June, 1647, Hartford was afflicted with an “epidemical sickness”. This was prevalent among the English, French, Dutch, and Indians. So general was it in the country that the synod meeting in Cambridge, June, 1647, was forced to adjourn on this account. Thomas Hooker was one of the victims of this disease. He died on July 7, 1647, “a little before sunset.” He was sixty-one years old.

Thomas Hooker was a minister of the gospel of Jesus Christ. He was a minister of a Congregational Church. He was a firm believer in the Congregational Way. He was first and last, a preacher of the Word.

It is interesting and significant to look at the texts of several of his sermons. So often one hears the casual remark that the Puritan preacher took all his texts from the Old Testament. No doubt there was an Old Testament virility in their character, which is not to be deplored; and no doubt they gave their sons such Old Testament names as Zabdiel, which is not a handicap, as Dr. Zabdiel Boylston made manifest. But as a matter of dry fact, all the texts, for example, in Hooker's "Application of Redemption" are from the New Testament:

Book I. I Peter 1:18. "Ye were redeemed by the blood of Christ."

Book II. Matt. 1:21. "He shall save his people from their sins."

Book III. Luke 1:17. "To make ready a people prepared for the Lord."

Book IV. II Cor. 6:2. "In an acceptable time have I heard thee, in the day of salvation have I succored thee."

Book V. Matt. 20:5, 6, 7. "He went out about the sixth, ninth, and eleventh hour, and hired laborers."

Book VI. Rev. 3:17. "Thou sayest thou art rich" etc.

Book VII. Rom. 8:7. "The wisdom of the flesh is enmity against the Lord and is not subject to the Law."

Book VIII. John 6:44. "None can come to me but whom the Father draws."

All these texts are from the New Testament. They show forth the region in which his mind worked. A man is known by the company he keeps, and a preacher's mind is known by the great texts with which he keeps company.

Further, it is interesting and important to note the

force of this Puritan preacher: direct, forthright, and drawn from the very human experience of the hearts and minds to which he is preaching. There is nothing remote or aloof. His style is close action. Here is a sample which every family in the congregation must have felt forcibly:

If a pot be boiling upon the fire, there will a scum arise, but yet they that are good house-wives and cleanly and neat, they watch it and as the scum riseth up they take it off and throw it away, happily more scum will arise, but still as it riseth they scum it off. Thus it is with the soul, impurity will be in the heart where there is faith and it manifesteth itself and riseth up when the soul is in action, but yet the heart that hath faith eyeth the soul, and as it discovereth any impurity, though it be never so secret, never so small, though it be never so agreeing to his natural disposition, it scummeth it off.

He has left about thirty titles in discourses and sermons. All these with one exception, *Survey of the Summe of Church Discipline*, were oral discourses. He was not a writer of books. He was a preacher, first and last. His published writings are his sermons. They were preached. They were made to be preached. They were not essays in divinity. They were real sermons preached to men, to persuade and convince their hearts and minds. Some of these published sermons were printed from notes made by hearers. Some were printed from his own manuscript. So far as we know, none were revised by him and none were seen by him through the press. They were printed far away from his pen and eye and mind, in England and Holland, or later reprinted in America.

He was a preacher, and by all accounts a real preacher and a great preacher. People came to hear him, and people were moved by his preaching. Here was one who spoke with authority and not as the scribes. In one of his sermons he describes a powerful minister and that description fits him. Here is the passage:

The word is compared to a sword; as, if a man should draw a sword and flourish it about, and should not strike a blow with it, it will doe no harm; even so it is with the Ministers, little good will they doe if they doe only explicate; if they doe only draw out the sword of the spirit; for unless they apply it to the people's hearts particularly, little good may the people expect, little good shall the Minister doe. A common kind of teaching when the Minister doth speake only hoooveringly, and in the general, and never applies the word of God particularly may be compared to the confused noise that was in the ship wherein Jonah was, when the winds blew, and the sea raged, and a great storm began to arise. The poore Mariners strove with might and main, and they did endeavour by all means possible to bring the ship to the shore; every one cried unto his god and cast their wares into the sea, and all this while Jonah was fast asleep in the ship; but when the Mariners came down and plucked him up, and said, "Arise thou sleeper. . . . Who art thou? Call upon thy God," then he was awakened out of his sleepe. The common delivery of the word is like that confused noise: there is matter of heaven, of hell, of grace, of sin spoken of, there is a common noise, and all the while men sit and sleep carelessly, and never look about them, but rest secure; but when particular application comes that shakes a sinner, as the Pilot did Jonah, and asks him, What assurance of God's mercy hast thou? What hope of pardon of sins? of life and happiness hereafter? You are baptized, and so were many that are in hell: you come to church, and so did many that are in hell: but what is your conversation in the meantime? Is that holy in the sight of God and man?

When the Ministers of God shake men and take them up on this fashion then they begin to stirre up themselves, and to consider their estates.

There speaks Thomas Hooker—powerful minister, a real and a great and a good preacher of the Gospel of Jesus Christ: a man among men and a man of God. Emphatically a man among men, because he was primarily a man of God. He was a powerful minister. He was a minister who knew his people and who knew them by

name. He was a minister who loved his people and they loved him. He honored and revered his people as the children of God, the sheep of his pasture, and they in return honored and revered him as the servant of God, the good shepherd of the flock. As a powerful minister he was and is a living illustration of the fact that the enduring value of life is character, and character is produced and developed out of man's vision and experience of the Eternal God.

This minister was a statesman. He was the statesman of New England and the ambassador of Connecticut in her conferences with Saybrook and the Bay. Head and shoulders he was above most men physically, according to tradition; and head and shoulders above most of his contemporaries he stood in great discretion and sober judgment. To Thomas Hooker they turned for counsel and judicial decision. His sermon preceded and outlined the Fundamental Orders of 1639. He was nominated as moderator in a Plymouth controversy. He was summoned to Boston and Cambridge for the famous Synod of 1637 which tried Anne Hutchinson, and served as one of the two moderators of that council. He was there again in 1639 in company with Mr. Haynes to confer on the question of the confederation of the colonies. He was one of the moderators of the "synod," as Richard Mather calls it, of 1643. He was again in Cambridge in 1645, where the book he had been asked to write was adopted as the voice and word of New England on the question of her ecclesiastical polity. As soon as he came here they turned to him for guidance in affairs which seriously concerned their relations with England. In 1634 Endecott had cut the cross of St. George from the English ensign—as a papal symbol. This question had embroiled the magistrates of the Bay for two years. The ministers were divided and

doubtful. It was finally submitted to Hooker for decision. His decision covered thirteen pages and held that the action of Endecott was indefensible.

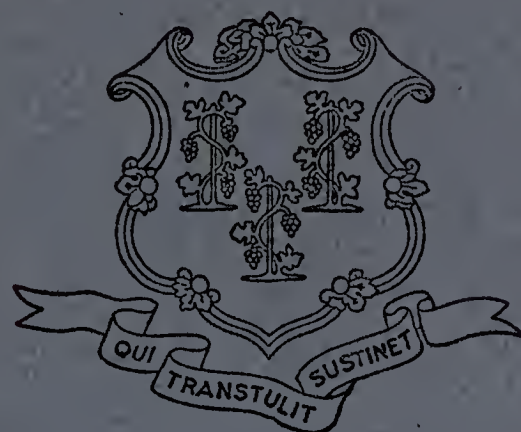
The references in Bradford and Winthrop reveal the high respect in which his fellow citizens and colonists held his counsel and decisions. He was a statesman in sympathy, understanding, clear judgment, and good common sense. While proving all things, he could hold fast that which is true. He was careful and eager to the very end of his life, to maintain the liberty of the individual and the individual church against "the binding power of synods." His warning was clear as a bell: "he that adventures far in that business will find hot and hard work, or else my perspective may fail, which I confess it may be." But his "perspective" did not fail. He could see men and affairs in a large way. He could see the individual church as free and independent, associated with other churches in a fellowship which is simply advisory. He could conserve the inherited good while living in the liberating present. He could keep a level head and a firm foot in the changes and chances of this mortal world. He had independence and vigour in judgment. He had a faculty for living with men. The gospel according to his sincere and devoted and powerful life, was the evangel heard and read and beloved in his church and in these colonies. The word was made flesh, as it always must be, and dwelt among them in sincerity and devotion, in grace and truth. He was a great minister and a great citizen.

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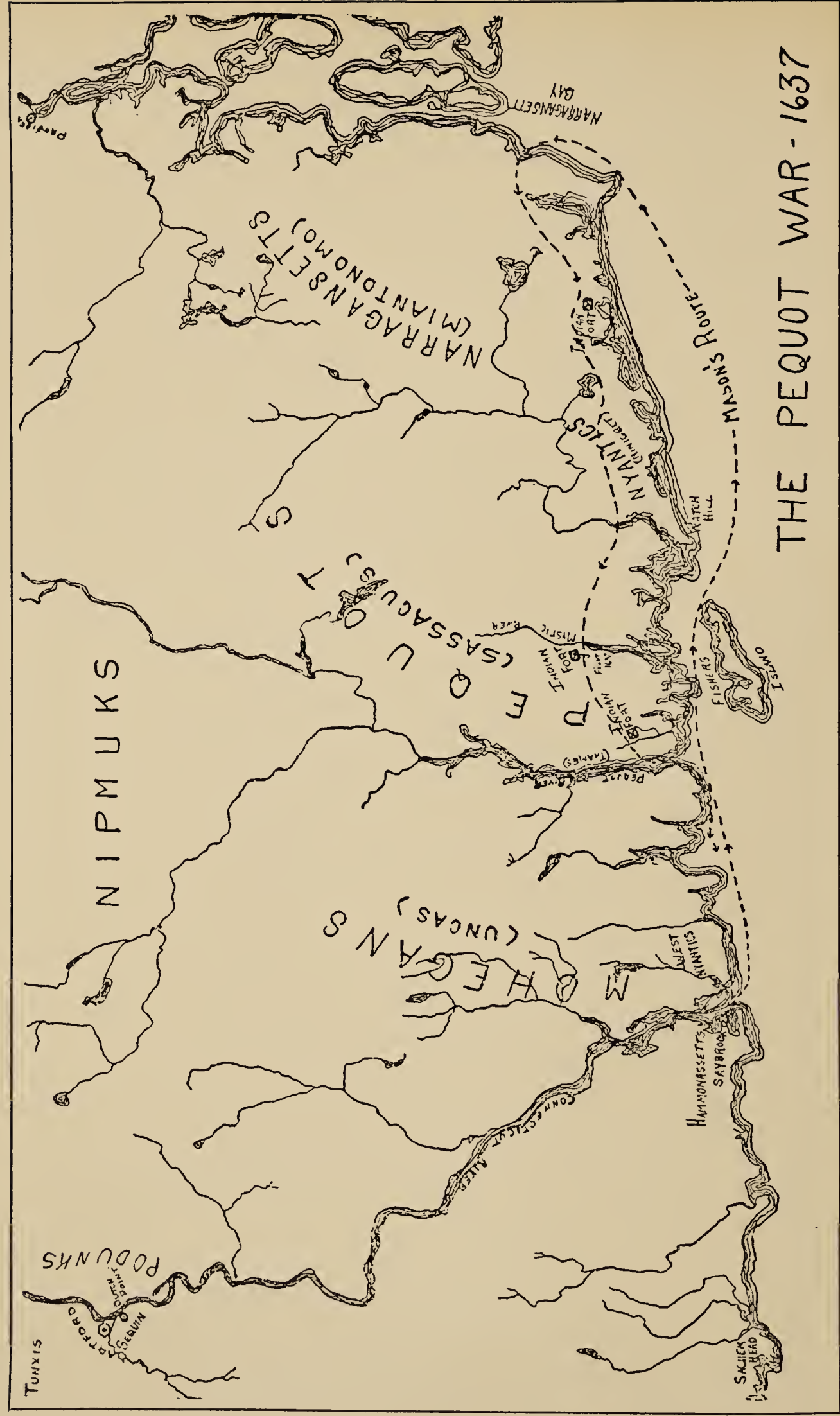


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The War with the Pequots
Re-Told*

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1933



THE PEQUOT WAR-1637

MASON'S ROUTE FROM SAYBROOK TO THE FORT ON THE MYSTIC

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*The Story of
The War with the Pequots, Re-Told*

HOWARD BRADSTREET

ON May 1, 1637, the General Court sitting at Hartford ordered an offensive war against the Pequots. It was a remarkable action to take. On the one hand was a small group of peace-loving men who had come into the Connecticut Valley with their wives, children, and all their goods to establish homes. They were without experience in war, and unacquainted with the methods of Indian fighting.

On the other hand were the powerful and numerous Pequots, who were the terror of all the tribes of Connecticut. They were warriors who had come into the region, overpowering the native tribes and dominating them imperiously. Each year their agent came to collect tribute from the still proud chiefs along the river, who dared not refuse to pay, knowing the penalty that would be inflicted.

The Hooker party had been less than a year in the valley. Their time had been fully occupied in providing the shelter and food necessary for existence, and in organizing some form of government which might bind together the three struggling plantations. To declare an offensive

war was an act of desperation, and their action can be understood only by tracing the tangled relationships which had been developing for five or more years prior to their arrival.

The Connecticut Valley was a region of remarkable fertility and natural advantages. Here, near together, were three Indian villages—Matianuck, Saukiog, and Pyquag, where now stand Windsor, Hartford, and Wethersfield. Here was a great river on which the Indians could travel in their canoes. Here were woods filled with game, streams filled with fish, soil good for corn, and hunting regions near at hand. It was an ideal location for Indian life, and here the native river tribes lived on friendly terms with one another.

Through this rich valley the Pequots forced their way. It was a natural location in which to exercise their power. They overcame the river tribes, and pressed on as conquerors to the region of the Thames River where they made their headquarters, stopped in their advance by the powerful Narragansetts just beyond to the east.

In 1614 Adrian Block sailed up the Connecticut. Upon his return to the Netherlands he showed a map on which the "Versche River" was located—now the Connecticut—and with names of Indian tribes living along its banks. It was a suitable place for Dutch trade, and the trade soon began.

News of white men far to the east reached the valley, and, chafed by the humiliating position of the Podunks, Chief Wahginacut in April of 1631, went to the Bay and to Plymouth to invite them to come to the fertile Connecticut region. He promised friendship, and stated the Indians would give them corn and eighty skins of beaver yearly. He urged that two men be sent back with him to see for themselves the richness of the country.

Here in 1632 came Edward Winslow from Plymouth to look over the valley, and a year later came John Oldham and his little party to do the same. They saw a great river by which there was access to the sea and to other colonies. They found streams for mill sites, clay for bricks, wood for homes and fuel, pasture for cattle, stones for building, and soil for crops. It was an appropriate place for the homes of Englishmen.

Thus the rich region with its lure to diverse elements became a critical center for conflicting tribes and races who were vitally interested in it. Out of these tangled relationships murders were inevitable, and from these murders rose trains of circumstances which led step by step, deviously but certainly, to the action of May first involving in bloody warfare those who had not been responsible for its causes, and who were reluctant to undertake it.

The Dutch had traded on the Connecticut in the early days after its discovery by Block, and when the West India Company began its operations, a trading post was started where Hartford now stands. With the rumors of an increased activity on the part of the English, they bought land up the river from the Pequots and erected the House of Hope in 1633 at the mouth of the Little River.

It had been agreed between Dutch and Pequot that the opportunity for trading there should be open to all Indians alike, and the Pequots even went so far as to allow the return of the river chief, Sequassen, who had been in exile from his domain. However, it was soon found that this liberal agreement could not withstand the jealousies involved in barter and long standing enmities. Quarrels arose, and some Indians who had come to trade were killed by the hostile Pequots.

The Dutch undertook to punish the offenders, but in so doing no less a person was slain than Wopigwooit himself, chief of the Pequots. The Indian code demanded reprisals for a murder in proportion to the dignity and position of the man who had been killed, and the Pequots acted according to the code. Unfortunately their vengeance was misdirected, for in 1633, they killed eight or nine Englishmen at the mouth of the Connecticut, later claiming they had mistaken them for Dutch. Captain Stone was a rough and ready character from Virginia who had been in his boat to Boston, and on his return journey had stopped to trade and hunt at the river. Conflicting stories were told of the tragedy, but there was no doubt that the entire group had been murdered by a band of Pequots.

The Pequots now found themselves in an embarrassing position. They had lost their trade with the Dutch; their enemies, the Narragansetts, were becoming more active; their leadership at Block Island was questioned; and Uncas, one of their number, had rebelled and placed himself at the head of the Mohegans as a rival chief to Sassacus. They needed support and they too decided to seek the friendship of the English at the Bay.

In October, 1634, a year after Stone's murder, they sent a chief of second rank to Boston, who made his proposals of friendship to the deputy governor stating the amount of skins and wampum the Pequots would grant yearly. Gifts were exchanged but the messenger was told that men of higher rank than he must come, if they wished to discuss so important a proposition with the governor.

Having thus shrewdly assured themselves of a hearing, two others of higher rank came to Boston and a treaty was agreed upon by which they would pay forty beaver

skins, thirty otter, 400 fathoms of wampum, and would encourage English activities in the valley of the Connecticut, while the English would send a vessel to trade with them, would be friendly yet not defend them against their enemies. All of which, however, was conditioned upon the Pequots delivering the men who were guilty of Captain Stone's death.

It was at best a half-hearted agreement, inasmuch as the English were friends of the Narragansetts—the Pequots' greatest enemy—and action under this treaty of November, 1634, was long delayed.

In the meantime the English had been coming into the Connecticut region. Plymouth had sent Captain Holmes in the fall of 1633 to set up the Windsor trading post; explorers and pioneers had gone up and down the valley making notes of its fine points and selecting sites for future development; at the mouth of the river Lion Gardiner had erected a fort late in 1635 under the orders of John Winthrop, jr. The Pequots knew that their hold on the river tribes had been weakened by the presence of the English, and that Uncas was looking on craftily to further his own interests by association with the new settlers when opportunity should come.

This was the situation when a second murder occurred which touched the English more keenly than the first. In the summer of 1636—about the time of the arrival of the Hooker party—John Oldham was found slain in his boat on Long Island Sound. Oldham, unlike Captain Stone, was a man who had lived both at Plymouth and the Bay, and was identified with the colonies. He had entered the Connecticut region in 1633 with three friends, had stayed with the Indians on his journey, and had returned with a glowing account of the country. He had received beaver skins from the Indian chiefs, and had brought samples of

the hemp which grew in abundance and was of better quality than that of the English. He had taken up land at Wethersfield, and was one of the first to plant corn and settle in the valley.

With two boys and two Indians he had gone to trade with the Pequots, and while near Block Island was brutally murdered in his boat, which the Indians took possession of and tried to steer to shore. Through the shrewdness of John Gallop the murder was detected, and the boat captured by his courage and skill. The story which he brought to Boston produced a profound effect.

Investigations at once were made to determine the perpetrators of the outrage. The guilt finally was ascribed to the Indians of Block Island and to the Pequots along the shore, who had given refuge to the murderers and hence were equally guilty. A relentless expedition was sent out from Boston the last of August, 1636. Its leaders carried instructions to put to death the Indian men of Block Island, to spare the women and children, but to bring them away and take possession of the island. They were ordered then to proceed to the Pequots, making demands for the murderers of Captain Stone and of other Englishmen; for the payment of one thousand fathoms of wampum for damages; and for some of their children as hostages, and if refused, to obtain these objects by force. The general command of the expedition was placed in the hands of John Endecott, with Captain John Underhill and other military men acting with him.

At Block Island the Indians fled, hiding so securely that they could not be found, and the English were obliged to content themselves with burning wigwams and destroying corn and canoes. They then sailed to the fort at the mouth of the Connecticut where Lion Gardiner tried in vain to dissuade them from attacking the Pequots. He

said, "You have come to raise a nest of hornets about our ears, and then you will flee away," but his words were unheeded. In spite of his protests the expedition proceeded to the Pequot shores. Here also they were unable to meet the Indians face to face in battle, and again were obliged to wreak their vengeance by destroying wigwams, crops, and canoes, but returned feeling that punishment had been inflicted. There could be but one result of such a demonstration of force. The deadly hatred of the Pequots was aroused, and their policy became fixed. They determined to make the fort at Saybrook the center of a series of murderous attacks, to establish an alliance with their enemies, the Narragansetts, and at the right moment to exterminate the English from the land.

The winter of 1636-1637 saw Saybrook as dangerous a place as any which later might be found in the far west during uprisings of the Indians. It was perilous to leave the fort for, when least expected, an attack might be made, resulting in torture and death.

The far reaching Pequot plans for an alliance with the Narragansetts would have succeeded had it not been for the intervention of Roger Williams of Rhode Island. For some time he had been informed from the Bay about the Indian difficulties, and had consulted with his friends among the Narragansett chiefs regarding the best methods to subdue the Pequots. When the magistrates of Massachusetts heard of the efforts to form an Indian alliance they sent letters to him asking his immediate and utmost efforts to offset them. In his letter to Mason written in later years, Williams says, "Upon letters received from Governor and Council at Boston, requesting me to use my utmost and speediest endeavors to break and hinder the league labored for by the Pequots against the Mohegans, and Pequots against the English . . . the Lord

helped me immediately to put my life into my hand, and, scarce acquainting my wife, to ship myself, all alone, in a poor canoe, and to cut through a stormy wind, with great seas, every minute in hazard of life, to the sachem's house. Three days and nights my business forced me to lodge and mix with the bloody Pequot ambassadors whose hands and arms, methought, wreaked with the blood of my countrymen, murdered and massacred by them on Connecticut River, and from whom I could not but nightly look for their bloody knives at my own throat also."

During those troublous times at the Saybrook fort, lived Gardiner's wife—a Dutch woman, who on April 29, 1636, had given birth to a son, David, the first white child born in Connecticut, and whose tomb in the old burying ground at Hartford bears the words, "well, sick, dead in one hour's space, July 10, 1689."

Early in 1637 John Underhill with a squad of twenty men was sent from Boston to help hold the situation, and during their presence the depredations greatly lessened.

In the month of April, 1637, a band of Pequots made a surprise attack at Wethersfield where they killed three women and six men, destroyed cattle, and took with them two girls. Flying the shirts and smocks of their victims on poles in the canoes, they sailed with bravado past the fort at Saybrook. A gun was fired but the distance was great, little damage was done, and the Indians quickly disappeared towards their headquarters on the Thames.

John Higginson also was at the fort serving as chaplain. He was son of Francis Higginson, the former clergyman at Salem under Endecott, a young man of twenty years, who later taught for a short time at Hartford. He saw the full import of the situation, involving danger to all the whites, and realized the need of

spurring Boston to further action. He wrote a long letter to John Winthrop, then deputy governor, couched in biblical form, saying that no other occupations were of more importance than the impending war. "Let the Lord raise the public spirit of his servants," he said, "and if there is no spirit, then to create it." He augmented his personal appeal by those of the Hebrew prophets, giving biblical references which were apt and no doubt served his purpose: "Arise for the matter belongeth to thee," "And all the people rose as one man," "Be strong, all ye people of the land, saith Jehovah, and work for I am with you." Massachusetts took action in course of time, and Captain Patrick was sent with forty men, but arrived too late to take part in the main campaign.

On May 1 the court at Hartford made its declaration of war. It did more than make the declaration. It levied a total of ninety men from the three plantations of Hartford, Wethersfield, and Windsor, and apportioned forty-two from Hartford, thirty from Windsor, and eighteen from Wethersfield.

It placed the command with Captain John Mason, and in case of his sickness or death with Lieutenant Robert Seely, and if both of these should miscarry, then with the oldest sergeant or military officer surviving.

It ordered Hartford to send fourteen men in armor, and Windsor six; required that a hogshead of good beer should be provided for the captain and gentlemen and sick men, in case there were only three or four gallons of strong water and two gallons of sack. It also ordered provisions in detail, Windsor to provide sixty bushels of corn, Hartford eighty-four bushels, and Wethersfield thirty-six bushels. Of these amounts one half was to be baked into biscuit, if it could be done, and the rest to be furnished as ground meal. Wethersfield was allowed ten bushels on

account. In addition Hartford was to provide three firkins of suet, two firkins of butter at the river's mouth; four bushels of oatmeal, two bushels of pease, five hundred of fish, two bushels of salt; Wethersfield one bushel of Indian beans; Windsor fifty pieces of pork, thirty pounds of rice, and four cheeses. Furthermore it ordered every soldier to carry one pound of powder, four pounds of shot, twenty bullets; and required that one barrel of powder be taken from the river's mouth and a light gun if possible. Finally it ordered that Mr. Pynchon's shallop be employed in the design.

The names of the men who sat in this historic first "General Court" were, as magistrates—Mr. Ludlow, Mr. Wells, Mr. Swaine, Mr. Steele, Mr. Phelps, and Mr. Ward. As committees or representatives, three from each town—Mr. Whiting, Mr. Webster, Mr. Williams, Mr. Hull, Mr. Chaplin, Mr. Talcott, Mr. Hosford, Mr. Mitchell, and Mr. Sherman.

To no one did the decision of the court have more vital importance than to Uncas, chief of the Mohegans. He was a man of outstanding physique and of overwhelming ambition. He had been a member of the Pequot tribe, had rebelled more than once, and at last had withdrawn from the tribe and made himself head of the Mohegans with his home to the northwest of the Pequots. He aspired to supplant Sassacus, chief of the Pequots, and even to overthrow the more powerful Miantonomo, chief of the Narragansetts. He saw that it might be possible to accomplish his ends by aid of the English, provided the English had the stamina to stand firm. To no one, therefore, was the decision of the court more gratifying. He recognized in its action a courage and spirit which matched his own, and offered to assist John Mason with himself and eighty men. No offer could have been more welcome or more em-

barrassing. Just as the Indians excused their offenses by claiming they could not distinguish between Dutch and English, so the English might truly claim they could not distinguish between Pequot and Mohegan—between friend and foe. There were those who strongly advised Mason to decline the offer. They fanned his latent doubts by saying that here was an instance of Indian shrewdness and treachery. Uncas knew the land, the English did not; he knew how and where to set traps not only for the Pequots, but also for the English. “How can you tell until too late whether he is to be trusted”? they questioned. Mason accepted the offer.

About the fifteenth of May the little party shipped from Hartford “in one pink, one pinnacle, and one shallop.” With them were Uncas and his band of friendly Indians. It was a new and difficult experience for both. Among the white men were still doubts and suspicions of their allies, while among the Indians there was an increasing wonderment that the boats should again and again be stuck in the shallow river. Their own canoes went swiftly and they chafed at the delay. As they whispered among themselves voicing their impatience, the suspicions of the English were still more deeply aroused. Uncas gave the explanation to Mason and asked permission for the Indians to disembark and go on foot to Saybrook, where they would meet the oncoming vessels. Mason granted their request, and the two parties went each its own way.

The Indians reached Saybrook first and told the astute Gardiner that they were a part of Mason’s forces on their way to attack the Pequots. Gardiner shared the natural suspicions of the English, and at once put Uncas to a practical test. Into a near-by stream he said six Pequots had gone in their canoes the previous night. “Send twenty men,” he told Uncas, “fetch them now dead or alive

and then you shall go with Maj. Mason, else not." The men accepted the challenge; killed five Pequots; brought one alive, and reported that one had escaped. The suspicion of their loyalty was thus removed, and the Indians were rewarded with fifteen yards of trading cloth to be divided among them according to desert. Underhill left the fort in a small boat to go upstream, carrying the good news to Mason's party on its way down.

Meantime the minds of the English were filled more and more with suspicion and doubt after the departure of the Indians. They could see more and more clearly the possibility of betrayal. They knew that Uncas had once been a Pequot and his loyalty to the English was as yet a matter of words. It was now only too apparent that after they had given him complete information regarding their equipment and plans he and his men should be in a position to use the knowledge for their destruction. As their boats sailed down the winding river, they began to feel that around any distant point might appear the hostile war canoes of Indians with Uncas as their guide and leader.

In this period of growing doubt they sought assurance from the source to which they were accustomed to appeal. Upon the deck of his vessel Chaplain Samuel Stone and his men knelt in prayer, asking God for guidance and a sign to justify their faith in Him. While still pleading, John Underhill stepped aboard and broke the good news of the arrival and test of the Mohegans.

It is Underhill himself who tells the episode in detail; "Myself taking boat, rowed up to meet the rest of the forces. Lying aboard the vessel with my boat, the minister, one Samuel Stone, that was sent to instruct the company, was then in prayer solemnly before God, in the midst of the soldiers; and this passage worthy observa-

tion I set down, because the providence of God might be taken notice of, and his name glorified, that is so ready for to honor his own ordinance.

“The hearts of all in general being much perplexed, fearing the infidelity of these Indians, having not heard what exploit they had wrought, it pleased God to put into the hart of Master Stone this passage in prayer, while myself lay under the vessel and heard it, himself not knowing that God had sent him a messenger to tell him his prayer was granted. ‘O Lord God, if it be thy blessed will, vouchsafe so much favor to thy poor distressed servants, as to manifest one pledge of thy love, that may confirm us the fidelity of these Indians towards us, that now pretend friendship and service to us, that our hearts may be encouraged the more in this work of thine.’ Immediately myself stepping up, told him that God had answered his desire, and that I had brought him news, that those Indians had brought in five Pequot heads, one prisoner, and wounded one mortally; which did much encourage the hearts of all, and replenished them exceedingly, and gave them all occasion to rejoice and be thankful to God.”

It was on Wednesday when the little party reached Saybrook. A strong wind was blowing from the east which made further progress towards the Pequot country impossible, but gave ample opportunity to inspect the men of Mason’s party and to discuss plans for the campaign.

Of the Englishmen with Mason, twenty were found to be unfit for so strenuous a campaign and were sent back to Hartford in a shallop, while their places were taken by twenty of Underhill’s more seasoned men from Massachusetts.

It was perhaps by this returning party that news of the expedition was brought back to Hartford, and gave the

basis for the illuminating letter which Thomas Hooker wrote to Governor Winthrop at Boston, saying (in modern spelling), "How the Pequots have made an inroad by a sudden surprisal, upon some of our brethern of Watertown (Wethersfield), slaying women and children, who were sent out carelessly, without watch and guard, this bearer will tell you. Though we feel neither the time nor our strength fit for such a service, yet the Indians here, our friends, were so importunate with us to make war presently, that unless we had attempted something we had delivered our persons unto contempt of base fear and cowardice, and caused them to turn against us. Against our minds, being constrained by necessity we have sent out a company, taking some Indians for guides with us. What is done, you will better hear it by report, than I shall relate it by pen, for our men went down as these pinnaces came to us. Only we hear, there is six of the Pequots slain by our Indians, not far from the fort. I hope you see a necessity to hasten execution and not to do this work of the Lord's revenge slackly."

During this delay at the fort, valuable information came to them through the girls who had been released from the Indians by the demands of the Dutch. They reported that the Pequots had sixteen guns but little powder; that the Indians were disappointed at the inability of the girls to instruct them in its manufacture; that they had been treated well and, most important, that there were many warriors who were on the lookout for the English to land.

This news was both important and discouraging. Mason saw that failure was assured if he attempted to land directly in the Pequot country. On the other hand he had received instructions from the court that such should be his plan of procedure. To follow his orders,

therefore, would mean calamity, but to disobey them would be quite unthinkable for a trained soldier to whom obedience was the prime virtue.

He and the other leaders formulated a new plan of surprise attack. They determined to sail not into the Pequot country, but to go past it into the land of the Narragansetts, where they would ask permission from Miantonomo, the chief, to pass through his territory and to approach the unsuspecting Pequots by land instead of by sea. This plan also was dangerous. Its success would depend not only upon the friendly spirit of Miantonomo but upon their own success in keeping their movements unknown to their watchful enemies.

Mason placed his revised plans before his soldiers, explaining the danger of direct attack. They listened with respect, saw the wisdom of the new plan, but refused to go. They, too, had been trained to obedience, and regarded as final the orders of the court. The plan was a good one, but to them it had no backing of authority.

Mason understood their attitude, and acted accordingly. He sought out the chaplain, Mr. Stone, explained the situation to him, and asked him to pray once more to God for guidance, as he had done on the boat coming down the river. The chaplain did as requested. He withdrew to his vessel, and spent the night alone in prayer, while Mason remained on shore. Early in the morning Stone reported to the captain that his prayers had been answered and the new plan approved.

The men were called together. The chaplain told them of his vigil, that the will of God had been revealed to him, and that the captain's plan had been approved. It was a solemn meeting. Such was the confidence of the men in the sincerity of Samuel Stone that there was no opposition, and they agreed to go. They were aware that

through him a higher authority than that of the court had spoken.

Early Friday morning the boats set sail. Slowly they moved eastward along the shore until at last they reached the entrance to the Pequot harbor. Here they could see the Indians gathering along the shore and could hear their shouts of defiance.

The Pequots watched the boats eagerly. It was their plan to surround them in their canoes as they neared the shore, to shoot clouds of arrows among them, and to destroy them all in the resulting confusion. The boats, however, did not turn into the harbor and there was no effort to land the men. Slowly they sailed past the entrance and along the coast to the east.

The Indians were astonished and puzzled. There was but one possible explanation—the white men were afraid of the Pequots. The joy of the Indians was unbounded. They shouted, danced, and sang in their triumph. They felt that at last the white men were in their power, and began plans to attack the river towns before the English could return to their homes.

Towards evening on Saturday, Mason and his men reached the Narragansett country. It was too late to act, and the next day was Sunday when nothing could be done. On Monday a great wind blew from the east so that they could not land. It was not till sunset hour of Tuesday that they were able to reach Miantonomo, the great chief of the Narragansetts.

Mason and his men were received as friends. The great chief was pleased that they should fight his enemy the Pequots, and gave his permission willingly for them to cross his country.

He wished them success in the undertaking, but spoke much of the fierceness of the Pequots and warned them

that they had too few men to meet so powerful a foe. He had little hope of their victory but wished them well.

In spite of discouragement from Miantonomo, Mason was pleased. The first part of his plan had succeeded—they had not been opposed or hindered by the Narragansetts. His next difficulty was to move his men across the country so that no spy should detect their presence.

A march of twenty miles next morning brought them to the Niantics, who refused them admission to their fort. "Very well," said Mason, "if you will not let us in, we will not let you out," and a guard was placed to watch all night so that none might leave to bring warning to Sassacus or his men.

Next morning, to the surprise of Mason, a band of Narragansetts came from Miantonomo to join his company. They were full of excitement and boasted how only the Narragansetts could face the terrible Pequot. They told of the destruction they would bring to the Pequots, and formed into a ring of fifty, dancing and singing war songs to warm their blood for the fight to come.

Mason gave the order to start. Still boasting and shouting, the Narragansetts led the way. Suffering from lack of food and the heat, the little army labored ahead until the waters of the Pequot River glistened in the distance. The blood of the Narragansetts began to cool. Their boasting stopped. Those who had been in front began to drop behind, and those who had shouted the loudest became the most silent.

Cautiously the men stole forward until at midnight they lay on the rocks to rest. From the distance they could hear the shouts of the Pequots as they sang their war songs and yelled their scorn of the English.

Mason called for the Indians to come up.

"Where is the fort"? he asked.

"Top of that hill," was the answer.

"Where are the other Indians"?

"Behind. Much afraid."

"Tell them not to run," said Mason, "but stand and see whether or not the English fight."

Underhill and Mason brought up their men and divided them into two groups. The chaplain said a short prayer, and they stole noiselessly toward the entrance of the silent fort.

All was quiet as death until Mason was within a rod of the gateway, when a dog barked sharply, a fierce voice called "Owanux, Owanux"—"the English, the English"—and the fight for the fort began.

An Indian fort was a simple structure. It consisted of a wall made of logs standing on end close together, surrounding a row of huts or wigwams. Such was the fort at Mystic. It covered two acres of ground on which were many huts with roofs of straw mats. On opposite sides of the wall were two narrow entrances, filled with brush and branches.

The Pequots had two such forts some miles apart. On the night of attack, Sassacus was at the upper fort with no thought of danger.

The Indian is as suspicious as the deer in the woods, but no deer was ever hunted more successfully than Mason had hunted the Pequots. He had succeeded in keeping his movements a secret, and had deceived the clever enemy as to his plans.

Sassacus had sent one hundred warriors to the lower fort to start next day in an attack on the river towns, and it was their shouts of welcome and of preparation that Mason had heard the night before.

The dog's bark and the cry of warning aroused the Indians and threw them into panic.

A terrible hour followed.

Mason stationed some of the men outside the wall, sent Underhill to the opposite gate, while he dashed through the nearest entrance followed by a small group of his men.

Boldly he rushed to the nearest wigwam. Some Indians were slain; some fled, or hid under the beds; others he attacked fiercely and was attacked in return. His life was saved only by the quick work of one of his men. All the wigwams were in confusion. Some Indians rushed out of them for safety and others rushed into them for the same reason.

Down the roadway between the huts, he drove the Indians before him, until they were met by those who were driven back by Underhill's men. The Indians were caught like rabbits between the two English forces. They scattered as best they could, dodging into the wigwams or crouching along the wall, attempting to climb over, only to be driven back by Mason's guard which stood outside.

To fight as warriors was impossible. It was impossible to take the fort and hold the Indians as prisoners. Quickly Mason entered one of the wigwams, seized a brand from the fire, held it to the roof of straw, and in a second a sheet of flame was driven across the fort by the wind.

Mason and his men rushed out from the entrance. With the help of the guard only seven Indians escaped from the fort, and within an hour a smoking ruin was all that was left of the Pequot braves and their power.

"Thus did the Lord judge among the heathen, filling the place with dead bodies," said Mason. "The mischief they intended to come upon us, came upon their own heads. They were caught in their own snare and we in mercy escaped."

The Pequots had been defeated, but the danger to the English was not yet over. Mason and his men were still in the heart of the enemy's country, while Sassacus and three hundred of his warriors still lived and were stirred with rage against him.

Mason had come, had conquered, but must now escape. The Indians, except Uncas and his men, had deserted him; his boats were at a distance; four or five of his soldiers were so wounded as to need the help of twenty others, so that he had but forty who were free to act.

While consulting as to their plans, they saw their vessels far away sailing into the Pequot harbor, and great was their rejoicing. Almost at the same time, however, came word that three hundred Pequots were approaching from the other side.

Much depended upon the attitude of these Indians. Would they fight in desperation or would they turn at the show of force?

There was a simple way to learn the answer to these questions. Mason called a squad of men and led them boldly towards the Indians. In spite of their great numbers the Pequots did not dare face the little group, and thus the captain knew that fear was in their hearts. Hiring some of the Mohegans to carry the weapons of those who aided the wounded, he slowly pressed his way towards the boats.

When the surviving Pequots saw the ruins of the fort, their rage renewed their courage and again they turned upon Mason at full speed as if they would run him down. When within gunshot, his men at the rear turned and fired upon the Indians and they advanced no further. Hiding behind the rocks and trees, they shot their arrows as they had a chance, while Mason's men in turn shot into the woods and thickets as they marched. Now

and again his Indian followers would raise a shout, dash among the trees and return with the head of a fallen Pequot.

Thus they continued until within two miles of the harbor, when the enemy gathered together at the top of a hill, turned, and disappeared.

With colors flying, Mason brought his men to the waterside, where they sat down in quiet, the vessels riding at anchor before them.

Upon the boat Mason found Captain Patrick of Massachusetts who had been sent with forty men, planning to rescue him, supposing he had been pursued. As all could not be carried in the boats, once more Mason with twenty men returned to shore, accompanied by Patrick, to make their way on foot to the Connecticut.

The story of the white man's deeds had already spread along the coast, and fear filled the Niantics who fled to the swamps for safety. There was small desire for pursuit, however, and the little band pushed steadily ahead, reaching the banks of the Connecticut at sunset, where they were welcomed by the great guns from the fort across the river.

On the morrow they were all brought over to Saybrook, where they received many courtesies from Lieutenant Gardiner. After arranging for the safe conduct of the Narragansetts who were in the boats, "we repaired to the place of our abode where we were entertained with great triumph and rejoicing and praising God for his goodness to us in crowning us with success and restoring of us with so little loss.

"It was the Lord's doings, and it is marvelous in our eyes."

* * * * *

Stung with rage at the terrible defeat of their tribe,

the remaining three hundred Pequots turned against their chief. In a body they went to the fort where Sassacus resided, charged him with being the cause of all their misfortunes, and threatened to destroy him and all that belonged to him.

Their counsellors pleaded with them, and by their entreaties the life of the chief was spared. A council was called to discuss plans for the future. They did not dare attack the English, nor did they dare remain and risk a second attack from men who had shown such courage and power. As there was no other choice, they resolved to flee into the western regions, and at once began their flight. A few remained in the neighborhood of their old home, but the largest number of them with women and children set out towards the Hudson.

At the Connecticut River they met a boat with three Englishmen, fell upon it, and after a hard fight captured and killed all three, leaving the bodies of their victims as a parting insult and challenge.

Thus the fleeing Pequots left the country in the same bloody manner in which they had entered it years before.

About a fortnight after the return of Mason's party, news was received that several vessels from Massachusetts had arrived on the Pequot River with one hundred twenty men under Captain Israel Stoughton as leader.

The General Court met at Hartford and appointed Mr. Haynes and Mr. Ludlow to go with Captain Mason and some forty men to discuss plans with the Massachusetts men.

They met at the Pequot harbor, where they agreed to give chase on land and overtake the fleeing Indians, while their boats sailed along the coast.

The Pequots were obliged to move slowly because of the children, and the need of securing food either

from the wilderness or by digging clams on the shore.

It was not long, therefore, before the remains of camp fires were found and signs that the Pequots were not far ahead. A Pequot captive named Luz was sent ashore, and brought back news of the panic of fear that filled the fleeing Indians as the English drew nearer. A short quick march brought Mason's men to the top of a hill from which the Pequots could be seen beyond a swamp spreading out between them. The white men advanced, but the Indians quickly disappeared into the thick growth of swampy ground, where it was impossible to follow.

A council was called and the question asked, "How shall we proceed"? Many opinions were given. Captain Patrick advised that the trees should be cut down. Captain Traske agreed with him, but others opposed with vigor. Some advised building a wall about the swamp, which was equally opposed, while others advised forcing the swamp, as it was then but three o'clock. Still others urged that they surround the swamp as closely as possible, fill in the spaces between the men with bushes through which no one could pass, and thus secure the Indians until morning when further action might be taken.

While waiting for agreement on a plan of action, Captain Mason ordered that the narrow neck in the swamp should be cut across, to make it easier to surround the hidden Pequots.

For the English to force their way into the swamp and fight among the trees would mean the destruction of many Indian women and children, and to avoid this outcome, Thomas Stanton offered his services to go into the swamp and treat with the Pequots.

It was a brave and daring suggestion, and was opposed as too dangerous a mission for him to undertake. He

was a man well acquainted with the Indian language and customs, without fear, and in spite of opposition he disappeared through the thick growth of trees and bushes.

For his companions, it was an anxious hour of waiting but at last he came back, just as darkness fell, leading two hundred old men, women and children, who delivered themselves to the mercy of the English.

All night the English surrounded the swamp as best they could. Half an hour before the break of day, with a great noise according to their custom at such times, the Indians tried to break through the section where Captain Patrick was stationed. They were beaten back, but again and still again they renewed their efforts while the captain held his ground.

The noise was heard throughout the region. It was repeated and grew louder. Mason in alarm raised the siege on his side of the swamp and rushed towards the point of attack. While on his way, at a turn in the swamp, he saw the Indians forcing themselves towards him and sent them back by rounds of shot.

He halted to wait for a second effort, when the Indians turned about, violently pressed upon Captain Patrick, broke through his line, and some sixty or seventy succeeded in making their escape.

The swamp was searched, but none were found alive and but few slain. The captives taken amounted to one hundred and eighty, who were divided among their conquerors as servants. "Thus did the Lord scatter His enemies with His strong arm."

The fleeing Pequots became a prey to all Indians. Those who captured any were glad to do so, sending the heads to Hartford or to Windsor where they were received almost daily.

In due time there came from the Mohawks the head of Sassacus himself, as a token of friendship and as a proof that no enemy of the English could find refuge among them.

The surviving Pequots themselves at last grew weary of being hunted, and sent their chiefs to the English offering to become subjects to the white men if their lives might be spared. Their plea was granted.

Uncas, and the great chief of the Narragansetts, Miantonomo, were summoned to meet them at Hartford.

The Pequots were asked how many still lived, and replied one hundred and eighty or two hundred. Of these there were given to Uncas of the Mohegans, eighty; to Miantonomo of the Narragansetts, eighty; to Ninigret the Niantic, twenty, after he should pay the claims made by a Windsor man for a horse killed by one of his tribe.

The Pequots were bound by agreement that none of them should inhabit their native country, nor should they again be called Pequots, but Mohegans and Narragansetts forever.

It was an agreement that was hard to keep, and shortly it was found that forty had gone to Mohegan, others to Long Island, and still others had violated their agreement and returned to the Pequot country.

Again with a squad of forty men Captain Mason made an expedition from Hartford to clear the Pequot region of those who had violated their pledge. There were many threats, but little fighting, as the Indians said they would not fight with Englishmen "for they were spirits—but would fight with Uncas."

With the brief story of this raid, Mason brings his account of the Pequot War to a close with praises to God for delivery, saying, "Thus the Lord was pleased to smite our enemies and to give us their land for an inheritance."

A monument stands at Westport with the inscription:

THE GREAT SWAMP FIGHT

HERE ENDED

THE PEQUOT WAR

JULY 13, 1637

* * * * *

The Pequot War—perhaps like all wars—was followed by conditions which sound strangely familiar. There were taxes to be raised, and there was increased interest in preparation for war. Pay and bonus for soldiers had to be granted, memoirs were written by the leaders, and altercation arose as to who won the war.

The war had been fought to make the Connecticut Valley safe for the English, and had been more successful than anyone could have hoped. Yet, within a year after the victory, March 8, 1638, the court ordered fifty corselets to be provided, apportioning twenty-one to Hartford, twelve to Windsor, ten to Wethersfield, and to Agawam seven. These were ordered to be ready within six months at the most, and to be inspected by the military officer appointed for the purpose. A fine was provided for the officers who failed to make the proper provision within the specified time. Captain Mason was made public military officer of the plantations of Connecticut at an annual salary of forty pounds to train in each plantation ten days a year, with a fine for those who failed to appear. All males above sixteen years, the commissioners and church officers only excepted, were ordered to bear arms. A magazine of powder and shot was required in each plantation and the amounts specified—Hartford two barrels; Windsor one barrel and three hundred and thirty weight of lead; Wethersfield one barrel of powder and three hundred of lead; Agawam, half a barrel and one hundred and fifty of lead; and besides

every military man was to have ready in his house a pound of powder, two pounds of bullets, and a pound of match if he should have a matchlock—with adequate fines for failure to act.

The cost of the war received even more speedy attention.

In February, 1638, a levy of six hundred and twenty pounds was made to defray the expenses of the war, of which Hartford was to pay two hundred and fifty-one pounds, six shillings; Windsor, one hundred and fifty-eight pounds, two shillings; Wethersfield one hundred and twenty-four pounds, and Agawam eighty-six pounds, sixteen shillings. Provision was made, significantly, that these payments could be made either in money, in wampum at four a penny, or in merchantable beaver at nine shillings a pound. Clement Chaplin was made treasurer, with deputies in each plantation—at Hartford, William Wadsworth; at Windsor, Henry Wolcott the elder; Andrew Ward for Wethersfield, and John Burr for Agawam.

The first necessity, however, was to provide pay for the returning soldiers. In November, 1637, the General Court ordered that every soldier who went into the war against the Pequots should have one shilling, three pence per day, at six days a week; the lieutenant twenty shillings per week; the captain forty shillings per week; while those who served, but provided their own food, should receive two shillings a day. These payments covered a month of service, “although in strictness there was but three weeks and three days due.” Those who returned from the fort at Saybrook but saw no service were allowed pay for twelve days. Not only was this provision made for pay in money, but in time a demand arose for land allotment.

In January, 1642, the court ordered that Captain Mason should have five hundred acres of ground in the

Pequot country for himself and his heirs, and five hundred more to dispose of to such soldiers as joined him in the war. This was the first of the land grants in return for Pequot service. In August, 1663, the record states that in exchange for a farm which had been granted to Mr. Samuel Stone for his good service to the country in the Pequot War and afterwards, there would be given five hundred acres of upland, and fifty acres or so of meadow to his widow and his son Samuel.

In May, 1671, the court acted upon a deluge of applications for land grants and disposed of seven hundred acres, largely in fifty acre lots, to twelve veterans who had been in the Pequot campaign. The court was manifestly disturbed by the appeal of veterans for land, and passed a resolution, "This Court being often moved for grants of land by those who were Pequot soldiers, do now see cause to resolve that the next Court they will finish that matter, and afterwards give no further audience to such motions."

This ultimatum met with immediate response. At the next session in October there were sixteen applications instead of twelve, and instead of granting seven hundred acres as was done in May, there were nine hundred and twenty acres distributed. A total of three thousand one hundred and seventy acres was granted to some thirty-six individuals of which six allotments were to sons of Pequot veterans whose fathers had died. Some of these allotments were in what came to be known as Soldiers Field, Hartford, but the majority was elsewhere.

The fight at Mystic Fort was the great battle of the war and this had been planned and executed by Connecticut men. The only assistance had been given by Underhill of Massachusetts and his twenty men who took the place of those who were sent back to Hartford, and regarding the

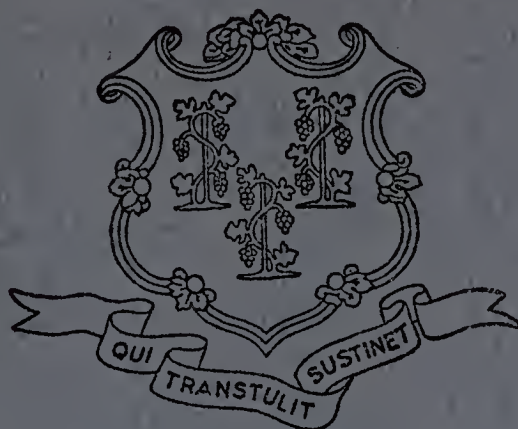
value of this help there was question. Captain Patrick had arrived too late to take part, and his relations with Mason had not been pleasant. Although the Massachusetts men under Stoughton had helped prosecute the affair at the Swamp, the Connecticut men felt it was their triumph. It was therefore somewhat galling to hear rumors from Boston exaggerating the part Massachusetts had played in the war. In the frank letter which Thomas Hooker wrote to Governor Winthrop in 1638, he listed the many slighting remarks current in Boston about Connecticut. As the first of these to be mentioned he said, "If enquiry be, what be the people at Connecticut? The reply is, 'Alas, poor rash-headed creatures, they rushed themselves into a war with the heathen, and, had not we rescued them, at so many hundred charges, they had been utterly undone. In all which as you know there is not a true sentence; for we did not rush into the war; and the Lord himself did rescue, before friends.' "

Finally, there were memoirs of the war—four of them—two of which were written within a year after its conclusion. The first of these was by Philip Vincent who was in New England at about the period of the war and wrote with intimate knowledge of its events, although probably not himself present at any phases of the fight. He wrote in a philosophical strain, differing in details from the accounts of others, and by his uncomplimentary illusion to the attitude of Underhill at the Indian fort no doubt instigated the second memoir which soon followed. This was written by John Underhill, in which he appealed to the worthy reader to have a "more charitable opinion of himself than is reported in the other book." He wrote with far more theological setting than the others—more than might be expected from one with so tumultuous a career in the colonies.

The third account was written by Lion Gardiner, the gallant commander of the fort at Saybrook during the Indian troubles. About the year 1657, perhaps as a twentieth anniversary of the war, he held a reunion at Saybrook with Robert Chapman, Thomas Hurlburt, and Major Mason. They discussed their adventures with the Indians and the passages of God's providence at the time of the Pequot War, and Gardiner was urged to put in writing his version of these historic events. This he did, giving a vivid account of his arrival at Saybrook in 1635 and of the tragic occurrences that presaged the war. Writing in 1660, he could see dangers ahead. "What our enemies will do hereafter I know not. I hope I shall not live so long as to hear or see it, for I am old and out of date else I might be in fear to see and hear that I think ere long will come upon us." His forebodings proved true when in 1675 King Philip's War broke over the colonies.

Gardiner generously made protest against the neglect of the reputations of the heroes of the war. "Our New-England twelve-penny Chronicle is stuffed with a catalogue of the names of some, as if they had deserved immortal fame; but the right New England military worthies are left out for want of room, as Maj. Mason, Capt. Underhill, Lieut. Seeley, who undertook the desperate way and design to Mystic Fort, and killed three hundred, burnt the fort and took many prisoners, though they are not once named."

The fourth and last account is by John Mason himself, written under great urging "so that some small glimmering may be left to Posterity what Difficulties and Obstructions their forefathers met with in their first settling these desert parts of America. . . . I desire my name may be sparingly mentioned; my principal aim is that God may have his due praise."

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TERCENTENARY COMMISSION OF THE
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COMMITTEE ON HISTORICAL PUBLICATIONS

The Settlement of the Connecticut Towns

DOROTHY DEMING

DESIRE for trade was the motive which first led people to settle in the region we know as the state of Connecticut. Before the year 1630, the Indians, of whom the Pequots and Mohegans were prominent tribes, had used the Connecticut beaver trade and the natural meadows on either side of the river for raising corn. The Dutch knew of the river through Adrian Block, who explored the coast in 1614, and had traded there, but not until 1633 had they set up a permanent post. The possibilities of the country were practically unknown to the English at Plymouth and Massachusetts Bay until in 1631 a small band of Mohegan Indians came to Plymouth to suggest starting a trade with them in the Connecticut Valley. These Mohegans had been driven from their hunting grounds by the Pequots and wanted the protection of the English settle-

Some years ago Miss Deming, then one of my students at Yale, prepared this paper as a seminary exercise, but withdrew from the University without completing it. I have rewritten it, filling in the blanks, shortening it in places and elaborating it in others for the purpose of this series. In its original form it was fully annotated with references to the sources of information, which included not only all necessary printed works but the manuscript volumes in the State Archives also. These annotations have all been omitted here. The portion of Miss Deming's paper relating to Litchfield County will be issued as a separate pamphlet. C. M. A.

ments. They had made a similar offer to the Dutch, but the latter, "their hands being full otherwise—let it pass." Upon invitation from the Indians Edward Winslow and others of Plymouth visited the river and found it "a fine place—and saw that the most certainty of profit would be by keeping a house there to receive the trade when it came down out of the inland."

While the Plymouth people were considering the possibilities of the river trade, the Mohegans went to Boston to solicit the interest of the English there. Massachusetts proved friendly, but evasive. Two years later, in 1633, she refused to accept Plymouth's offer to combine with that colony in setting up a joint trading house, for she was unwilling to run the risks of a trade in a strange country, among hostile Indians, and on a dangerous river, but these perils did not deter her from sending out explorers a few weeks later. In September of that year John Oldham, a freeman and an inhabitant of Watertown, journeyed with three companions through the wilderness and brought back glowing accounts of fertile meadows and rich valley lands. His journey was followed by the voyage of the *Blessing*, a bark owned by Governor Winthrop that was sent out to explore the coast of Long Island and Connecticut.

Meanwhile, the Dutch, claiming right to the soil by a grant to the Dutch West India Company by the States General of Holland, had sailed up the river to the present site of Hartford, where they bought land of the Pequots, built a small house, and fortified it with two cannon. They had scarcely finished their labors, when Captain William Holmes of Plymouth sailed past them to a point near the mouth of the Tunxis (now the Farmington) River, bought land of the Mohegans, the true owners of the soil, and set up a frame house he had brought from

Plymouth. Thus the first settlements of the white man on the river were in the interest of trade with the Indians.

At Newtown in Massachusetts the people were beginning to feel "straitened" for want of land, especially meadow. The inhabitants were wealthy and kept many cattle, while the township was long and narrow, necessitating scattered divisions of land, which were not very fertile. The arrival of the ships *Francis* and *Elizabeth* from England in 1634, bringing many new families to Newtown, served to increase the desire to move on to the reputed region of abundance and fertility. There were undoubtedly other causes of discontent among the men of Newtown. Thomas Hooker and his party arrived in 1633, adding several more eminent men to the long list of those already in the Bay colony. Hooker found himself out of sympathy with many of the political practices of the other Puritan leaders and he did not hesitate to disagree openly with the policy of placing so much power in the hands of the magistrates and of maintaining so strict a religious qualification for the franchise. Moreover, he and his congregation believed that he might find a larger field for his unusual talents in a new locality where the public offices were not already filled by competent men and the churches not overstocked with ministers.

A petition from some of the Newtown people was granted by the General Court in May, 1634, and gave them leave to find a location elsewhere. But finding no suitable land near Ipswich and the Merrimac River, they renewed the petition and asked permission to remove to Connecticut, a region of which they were now hearing much from Oldham and others, for six Newtown men had been part of the crew of the *Blessing*. The General Court refused their request and endeavored to compromise matters by making an additional grant of land to relieve

the crowded conditions in the town. In spite of this refusal, a few inhabitants of Watertown, a settlement farther up the river, made their way to Connecticut, guided by John Oldham, and stopped at Pyquag (Wethersfield), a few miles below the Dutch fort. There they remained through the winter and in the spring Oldham returned and conducted another group of Watertown people to the same place, this time with the consent of the General Court.

A month later, leave was granted to some of the Dorchester people to remove to Connecticut. As eighty additional immigrants had arrived there in 1633, the inhabitants had a great deal of trouble in providing grants of land and their desire to remove was well founded. A party left that summer, settling near the Plymouth trading house, and the relations with the traders were for a time strained, on account of the intrusion. The latter argued, reasonably, that Massachusetts had forfeited her right to trade there, having refused to join with Plymouth in the enterprise, and that the land on which the Dorchester people had settled was Plymouth's by right of purchase and prior occupation. The increasing number of the Massachusetts people that were daily arriving finally overwhelmed the Plymouth arguments by sheer weight of numbers and the traders were at length forced to compromise. They gave up all but a sixteenth of their original purchase and the trading house, surrendering the rest to the Dorchester immigrants. The southern part of this ceded tract, known as the "Lord's Waste," was occupied in the summer of 1635 by a group of young men from Newtown, called the "Adventurers" and became known as the "Venturers Fields," a section of thirty-five acres, which was purchased from the Dorchester settlers and became a part of Hartford.

Until the spring of 1635, settlement in Connecticut had been largely temporary, of an experimental nature, but with the removal of the larger bodies of people from the Massachusetts towns permanent home-making was begun. The title to the territory was doubtful. It was king's demesne, which had been granted, together with the rest of New England, to the Council for New England in its charter of incorporation of 1620. Supposedly a grant of this southern portion had been made by the council in 1632 to a group of Puritan lords and gentlemen who were planning to leave England, if conditions there became unbearable, and to settle somewhere in the grant. But there is nothing to show that the patent was ever issued, though there is no doubt that the grantees—Lord Saye and Sele, Lord Brooke, Richard Saltonstall, John Pym, John Hampden, and others—and many in Connecticut profoundly believed in the legality of the title. When the settlers began to go to Connecticut, the agents of the patentees, John Winthrop, jr., the Reverend Hugh Peter, and young Harry Vane, called upon the emigrants to know by what right they were taking up land there and demanded that they acknowledge the title of the patentees and their governor, Winthrop, jr., whom they had recently appointed for a year. The patentees were not averse to having settlers on their land as it strengthened their claim to the territory; nor were the emigrants sorry to find themselves outside the bounds of Massachusetts, with a good chance of obtaining a title, by allowance of the patentees, to a soil of their own. Their only serious objection was the acknowledgment of a governor, who was not of their own choosing. It would appear that the appointment by Massachusetts in 1636 of a commission from among the emigrants to govern the territory was a compromise arrangement and was suggested

and the text drawn up by the emigrants themselves. By this plan they acquired the right to look after their own affairs, leaving the question of a governor open until the expiration of Winthrop's term, or until it was finally decided what the lords and gentlemen proposed to do. It is interesting to note that Connecticut had no governor until after the issue of the Fundamental Orders in 1639.

Once the movement toward Connecticut was begun it proceeded rapidly. Additional planters arrived in October, 1635, from Dorchester, with a few from Newtown and Watertown, but unfortunately an exceptionally severe winter drove many of them back to Massachusetts for the cold months. They returned in the spring to complete their half-built houses and to plant their new fields. For them Massachusetts appointed a constable, from their own number, to order the affairs of the plantation. In May of the same year (1636) William Pynchon led a company from Roxbury to settle higher up on the river at Agawam (Springfield), there to secure new land and to engage in traffic with the Indians for furs and truck. Agawam was later found to lie within the bounds of the Massachusetts Bay charter and Pynchon, for personal and other reasons, did not join with the people down the river after 1638, thus severing intimate relations with the Connecticut plantations though always remaining in close commercial contact with them.

The great migration came in the summer of 1636. Thomas Hooker, with his wife and the larger part of his congregation, driving their cattle before them, and following Indian trails to the river and there turning southward, finally reached a resting place at what is now Hartford. In the case of Windsor, Hartford, and Springfield, the people moved as organized churches and no reorganization took place after arrival. Not so with Wethers-

field, to which locality the people came in scattered groups and at different times, without a minister, so that the church there was "gathered" and "approved" in April, 1636, after the plantation was organized. On the civil side the plantation organization was probably very incomplete, constables apparently being the only civil officials, with functions that were largely military. Doubtless arrangements were made whereby lands were distributed, order maintained, and necessary prudential affairs carried on, but it was not until toward the end of the decade (October, 1639) and after the Fundamental Orders had been adopted, that any system of town government was agreed upon. Then each town elected townsmen, afterward called selectmen, to look after the business of each plantation.

With the expiration of the commission authorized by Massachusetts for one year (1636-1637), the plantations were given their present day names, Hartford, Wethersfield, and Windsor, boundaries were decided on, and the towns were instructed to send committees of three to represent them in a general court to meet at Hartford. They, with the magistrates, were to sit together and issue orders for the management and well-being of the four settlements. Owing to the declaration of war against the Pequots in May, 1637, the main duties of this "corte" were military, but once the war was over, lawmaking began. In 1638 Thomas Hooker laid his views regarding government before the court and that body, guided and directed by its two most important members, John Haynes and Roger Ludlow, drew up the document known as the Fundamental Orders, consisting of a plantation covenant or agreement and a series of eleven orders or laws, defining in general terms the kind of a government that the leaders desired. They provided for a "publike state or

commonwealth" to be administered by a governor, six magistrates, and other necessary officers, chosen by the admitted freemen of the colony by written ballot, a "free-man" being anyone admitted an inhabitant by the major part of the town where he lived, who had taken the oath of fidelity to the colony. The three settlements (Springfield having dropped out) were to choose four deputies each to represent them in the general assembly, the latter to be held twice a year—a court of election in April, and a regular court in September. The governor was to be elected yearly from among the magistrates, had to be a church member, and could not be reëlected until another had been chosen and had served. The General Court was allowed wide powers; it could make and repeal laws, levy rates, admit freemen, appoint officials, control grants-at-large of land, and provide for defense. The governor might cast a vote in case of a tie, but he had no right of veto. Adjournment, prorogation, and dissolution were in the hands of the court itself. Provision was made for holding the court, should the designated officials at any time neglect or refuse to call it.

During the early years of settlement, 1635–1639, the control of the land had been in the hands of each group of plantation settlers and their first act upon arrival was to purchase from the natives a right to the soil, the purchase money being raised by subscriptions to a common fund. Each subscriber received an allotment in proportion to the amount put in. The Windsor people obtained most of their land from the Plymouth traders, paying £37 for it, and later this possession was confirmed to them by the Indians. All land was bought fairly although there can be no doubt that the Indians often, if not always, misunderstood what the bargain meant, believing that they were conceding only the use and not the ownership of the terri-

tory defined in the deeds. They had no real conception of the meaning of ownership, accustomed as they were to tribal and clan control instead of individual and private tenure, and probably often interpreted the so-called sale as meaning nothing more than the admittance of the English to a share in the advantages of the region. In some of the deeds, as in the case of Enfield, the Indians reserved the rights of hunting and fishing, and in the case of Waterbury they gave the settlers the right to use the territory but not to make permanent settlements.

With the establishment of the colony government in 1639 all lands not purchased or granted were at the disposal of the General Court and "colony land" continued to exist, particularly in the northeastern and northwestern parts of the colony for another century. No one could buy land or settle there without leave and after 1663 no one was allowed to buy any parcel of land from the Indians, "except he doe buy or receive the same for the use of the colony or the benefit of some towne, with the allowance of the court." But land once legally conveyed to an individual or town was held in full ownership and could not be disposed of except by the grantee. Within the town, the general meeting of the inhabitants in town meeting distributed the land, according to whatever method was approved by majority vote—either equal division, rateable estate, or individual gift, though in the eighteenth century control fell into the hands of the "proprietors," as they were called, that is, the original purchasers and their heirs, and many a dispute arose between old comers and newcomers, inhabitants and descendants, over this difficult problem. It was the custom of the towns earliest founded to take back the allotments of those who did not fulfil the terms of the grant—such as living in the town for three years and carrying on their

plantation duties. Division was frequently by lot, which among the first settlers was construed as leaving the judgment to God and doubtless at times relieved the town fathers of not a little embarrassment. The common and undivided lands in the townships continued to exist, as did the public lands of the colony, for many years, those of Hartford not being finally apportioned until 1754. As a rule grants were made to householders, but both Farmington and Wallingford had "bachelor lots" that were granted to single men in the hope that they might eventually marry and rear families and so make a proper use of the lands assigned. Disputes over boundaries between towns as well as individuals were of common occurrence and the great majority of cases that came before the county courts was of this nature.

The location of the river towns was not due to any haphazard choice on the part of those who migrated to Connecticut, for the river was excellently adapted for trade, having few rapids and abounding in fish, with tributaries of considerable size that made inland connections by canoes and small boats worth while. Its main channel was deep enough to admit the passage of boats of sea-going dimensions. As time went on husbandry and agriculture took precedence over trade, and the rich glacial deposits of sediment left in the Connecticut Valley lay in wide, flat, fertile meadows on either side of the river from Windsor to Middletown. This rich bottom land, frequently recuperated by the freshets—the spring overflow from the river—was what made permanent settlement practicable. The Dutch had the first choice of land and they selected the point at the mouth of the Little River (Hartford) as a place easy to fortify, within reasonable distance of the Sound and near the inland waterways. Here they found fields already cleared by the Indians,

and between these fields and the (Talcott) mountains behind was a heavily wooded region supplying plenty of timber for building purposes. That the English chose locations above and below the Dutch fort and that the three river towns remained the wealthiest in Connecticut for a long time after their settlement attest the good business sense of these shrewd people from Manhattan.

The advantages of the river and coast trade with Boston and the necessity of controlling the mouth of the Connecticut River were immediately evident to the lords and gentlemen, who under the Warwick patent were planning to find a refuge in New England. They were particularly anxious to get ahead of the Dutch, who were showing signs of an intention to occupy "Kiefts Hoeck" (Saybrook) as they had already occupied Dutch Point at Hartford and of building a fort there. On July 7, 1635, the patentees, Saye and Sele, Brooke, Fenwick, and others commissioned John Winthrop, jr., son of the governor of Massachusetts, to serve as agent and governor of the "River Connecticut, the harbors and places adjoining for the space of one year after his arrival there." He was instructed to build a fort at the river's mouth and houses for men of quality, and to reserve 1,500 acres for the use of those who might inhabit there. He was supplied with provisions and £2000 in money. Before leaving England Winthrop engaged Lion Gardiner, a skilled engineer, to help him, and advised him to choose a place "both for the convenience of a good harbor and for capableness and fitness for fortification."

Upon his arrival at Boston with his fellow agents, the Reverend Hugh Peter and Harry Vane, he entered at once upon his new duties. He sent a bark of thirty tons to Saybrook with twenty men on board under the command of Lieutenant Gibbons and Sergeant Willard. They arrived

November 24, 1635, and Winthrop and Gardiner followed in a few days. They began to fortify the point at once, and were none too soon, for in December the Dutch arrived, evidently expecting to take possession of the place. But they were frightened away by the two cannon which the English had planted on the shore.

As 300 people were expected from England in the spring, Winthrop worked hard to complete the fortification, which consisted of a large earthwork, supported and supplemented by beams. At one end stood the block house, probably a sort of prolongation of the fort itself. Nearby were a few houses for prospective settlers and across the neck of the point on which the fort was built was a palisade, which effectually cut it off from the mainland and protected it on the northern side. Beyond the palisade were laid out the 1,500 acres which were to be set apart for cultivation.

During the winter of 1635-1636 the fort served as a place of temporary asylum for the half-starved Windsor people on their return trip to Boston and for this act of mercy the inhabitants at Saybrook were remembered in Massachusetts by a day of fasting and prayer. Though George Fenwick, the only one of the patentees ever to set foot on Saybrook soil, came over for a short time and though a few people migrated from Massachusetts, the expected addition of settlers in the spring from England did not materialize. Harry Vane was in Boston during the summer and begged Winthrop to ask for anything that he might need and the elder Winthrop wrote his son that "the gentlemen seem to be discouraged in their design here." The outlook was not hopeful. The prospect of Saybrook's becoming a trading center was not encouraging, for there were not many Indians about, the land was not especially fertile, the harbor was blocked by a sand-

bar, and the up-river towns were plainly monopolizing the more distant Indian traffic. The fort bore the brunt of the Pequot War and rendered invaluable service as a protection for the river mouth, but otherwise the disadvantages of the location far outweighed the advantages.

In 1639 Fenwick, who in the meantime had gone back to England and there married Alice, daughter of Sir Edward Apsley and widow of Sir John Boteler, returned to the settlement, bringing with him his wife, his chaplain Thomas Higginson (son of the Reverend Francis Higginson formerly at Salem) and a number of others. Such a company attracted newcomers and the settlement began to lose something of its military character. In 1641 Fenwick wrote Winthrop that he had succeeded in growing apple, peach, and cherry trees there, a beginning, certainly, of an agricultural interest. There seems to have been no church organization, despite the presence of a chaplain and a population of about fifty, until 1646. In 1641 Lady Fenwick became a member of Hooker's church in Hartford and her baby was baptized there.

Except for help in aiding the prosecution of the Pequot War and sundry attempts to settle boundary questions, Winthrop and Fenwick had little to do with the other river plantations. The latter had been made a freeman of the Connecticut Colony just before his return to England in 1636 and in 1646 the General Court there agreed that if he would come under that colony's jurisdiction his "privileges would not be infringed." That there was some understanding between Connecticut and Saybrook is evident from the fact that the former paid Fenwick for necessary repairs on the fort in 1643, but no written agreement was concluded until the next year. Probably Fenwick waited to hear from the other patentees as to his next move and undoubtedly wished to be absolutely sure

that there was no hope of a new migration from England before he accepted Connecticut's offer. The activities of the Long Parliament were keeping the lords and gentlemen in England and the hope of reorganization at home was gradually dissipating the need of leaving England in order to find a home elsewhere.

The agreement of Fenwick with Connecticut was finally concluded on December 5, 1644. It took the form of a contract of sale covering the fort and its appurtenances, all land on the Connecticut River, and a promise to convey to Connecticut all the land between Saybrook and the "Narragansett River," "if it were in his power," which as events were to prove never was the case. In return the Connecticut colonists were to pay Fenwick for two years certain duties on all exports of corn, biscuit, and beaver passing the fort, as well as a tax on every cow and mare three years old and on every hog or sow killed in the river towns. Springfield was included in this arrangement, as she owed some return for the protection which the fort had offered her.

In 1658 Fenwick died and Connecticut claimed from his executor, Culick, certain moneys that had been paid to the fort under the agreement of 1644, but for which Connecticut had not received the stipulated return, namely, the land between Saybrook and Narragansett, which Fenwick in default of a clear title under the Warwick patent had not been able to transfer legally. Captain Culick finally compromised by paying Connecticut £500, thus freeing her from further payments to the fort; while Connecticut, in her turn, granted administration on the Fenwick estate and discharged Culick from further liabilities. The settlement had suffered a grievous loss in 1647, when, on a very tempestuous night in the depth of winter, the fort was set on fire and all the

buildings within the palisade, with all the goods, were destroyed. Captain Mason, who was living there with his wife and children, was saved with difficulty, but others lost their lives, as Winthrop, jr., in mentioning the incident, calls it a "fatal fire" and says that the only copy of the Warwick patent in the colony was lost at the same time. The damage was valued at a thousand pounds.

Saybrook presents a unique form of settlement in Connecticut, as the only town which started as a strictly military post and the only one to be under an outside proprietary governor. Soon after these conditions were removed, by Connecticut's purchase in 1644 and the burning of the fort in 1647, the town proper began to grow in numbers and agricultural activities. Lands were laid out and bounds run in 1649, on both sides of the river. People drifted in from time to time from Massachusetts and the river towns, and gradually the place took on the form of a regular town similar to the other towns in Connecticut, finding representation in the General Court in 1651, entering the list of estates of towns "within this jurisdiction" in 1654, and sharing all the duties and obligations, including jury and military service, from this time forward as would any other town.

The harbor and mouth of the Thames or Pequot River had been known to the English for a long time. The locality was familiar to the coasting vessels going to and from Boston and it had served as a rendezvous for the colonial soldiers during the Pequot War. In 1637 Israel Stoughton of Massachusetts wrote to the governor and council of that colony describing the character of the country, which he had seen as he had passed through in pursuit of the Pequots and expressing the conviction that "Pequid" was hardly worth the loss of many soldiers. "As for plantations," he said, "here is no meadow I see or

hear of near; the upland good but rocky and unfit for ploughs for the most part. Indeed were there no better, 'twere worthy the best of us—the upland being, as I judge, stronger land than the Bay upland. If you would enlarge the state and provide for the poor servants of Christ that are yet unprovided, I must speak my conscience. I confess the place and places whither God's providence carried us, to Quillipeage [Quinnipiac] river and beyond to the Dutch, is before this or the Bay either . . . abundantly. But if there is special purpose in selecting Pequot then considering, 1. the goodness of the land, 2. the fairness of title, 3. the neighborhood of Connecticut, 4. the good access thereto (wherein it is before Connecticut), 5. that an ill neighbor may possess it if a good do not . . . then I would readily give it my good word." But despite the desire of Massachusetts to extend her territory to the southward, as seen in her endeavor to wrest the Narragansett country from Rhode Island and so to obtain a commercial outlet in that region, she never made any serious attempt to dispute possession of the lands west of the Thames River.

John Winthrop's commission as governor of the Saybrook country expired in 1636 and after a brief visit to England he returned to interest himself in the region around the Pequot River extending to Narragansett Bay. He received in 1640 a grant of Fishers Island from Massachusetts, which was confirmed by Connecticut the next year, "as far as hinder not the public good of the country, for the purpose of fortifying or of setting up a trade in fishing or salt or such like." The island had long been famous for its fine hunting and fishing grounds and had been a favorite resort of the Indians, but Winthrop did not make an effort to improve it, as he was for the next year or two occupied with a trip to England, which lasted

for a year and a half, and with starting iron works in 1644 at Braintree and Lynn, an ill-starred speculation that bankrupted his successor, Richard Leader, because the enterprise was under-capitalized and made no money. He then turned his attention to Connecticut. There the General Court, anxious to have a plantation at Pequot as a "curb to the Indians," and hearing that he had discovered "some quantity of the best sort of iron stone being convenient to be wrought in these parts," granted him permission to locate there. He had already erected a house on Fishers Island, but now he built one on the mainland also. In 1645 he came to the west side of the Thames and with the aid of men from Massachusetts, among whom was his friend Thomas Peters, laid out the land and began a settlement. Probably as many as twelve or fifteen men and their families formed the first contingent and, new settlers arriving the next spring, the plantation was organized May 6, 1646. Pequot grew slowly. In 1650 fourteen new families, from Gloucester, with their minister, Richard Blue, came as a church organization and uniting with themselves those already there, formed the first church in the community.

At the beginning of the settlement the Massachusetts General Court expressed the opinion that it was not sure under whose jurisdiction the Pequot people came, but that "it did not much matter as they belonged to the same confederation"—the Confederation of New England. Connecticut, however, thought that it did matter and claimed the territory by right of conquest, by purchase, and by patent. The court had already made large grants there—500 acres to Captain John Mason, 500 acres to his soldiers, and 10,000 acres to the magistrates for their disposal. In 1646 the rival claims were brought before the Commissioners of the Confederation for ex-

amination. The decision favored Connecticut and she immediately took over the plantation and ordered Winthrop to execute justice there according to Connecticut law and in 1648 commissioned him as a regular magistrate. The question of jurisdiction was brought up again in 1658, 1659, 1660, but Connecticut maintained her title successfully. The name, New London, was given by the court in 1658, "in memory of the City of London." The planting of this town represents the personal interest and devotion of one man, John Winthrop, jr., the first to see the possibilities of the place, the first to ask permission to locate there, and the one who stands out conspicuously as the leader of the settlement, acting as the spokesman and director of the people. He never exploited the land for his own profit or attempted to control more acres than were his fair share in the divisions of land made by the town.

As Captain Stoughton had reported, the country around Pequot could not compare in quality with that around the Quinnipiac River and beyond. His letter reached Boston two months after the arrival of the Reverend John Davenport, Theophilus Eaton, Edward Hopkins, and the rest of the company from London, Kent, and Hereford. As with so many others Davenport and his friends were trying to escape from the long arm of Archbishop Laud, to find a place where they could cast aside the strict observances of the established church and worship with the simple forms in which they believed. Massachusetts wanted very much that they should stay within her jurisdiction, for such a company, possessed of wealth and distinction, would be a noteworthy addition to her own people. Though Governor Winthrop offered Davenport his choice of the best land and Charlestown and Newbury made generous terms, Davenport and Eaton could not find it in their hearts to remain. A few

months in Massachusetts, where fears of English interference were rife, where the Antinomian quarrel was at its height, and where the churches were already stocked with strong-minded men, convinced Davenport and Eaton that they had better look elsewhere. They had a great desire to "have their government both in civil and religious matters agreeable to their own apprehensions." They disliked the religious upheaval and excitement going on in Boston and saw, as Hooker did before them, that the chief offices of government were filled and that there was no place there for them.

Having heard the favorable reports of Quinnipiac, Eaton and a small party of men went down the coast to investigate the new land. They were much pleased with all they saw and, leaving seven men to spend the winter, returned to Boston. Early in the spring an Indian runner from Boston informed the seven men that they were to buy land from the Indians and to put up such shelter as they could for the rest of the company that was preparing to follow in a few weeks. This happened early in April, 1638, and on the eighteenth of that month the company arrived, being much taken with the fruitfulness of the country and its security "from the danger of a general governor" that threatened them at Boston.

It is evident that the dominant idea in Eaton's mind was the availability of New Haven for trade. Friendly Indians, a fine harbor, fairly navigable rivers, well wooded land for "spruce masts," and fertile meadows seemed to him all that could be desired. The fact that so many of the settlers were London merchants and, if tradition is to be believed, built elaborate houses in the town, would seem to indicate that they expected to be reimbursed in a short time from the profits of an active trade. It took many years before the failure of new arrivals, the col-

lapse of many of their enterprises, and the loss of the "great shippe" taught them that they could not rely on trade alone. The eagerness of many to put through the settlement on the Delaware River—avowedly for trade, and the heated debates over the question of removing to Jamaica showed that the New Haven leaders were merchants by preference rather than agriculturists and struggled as long as they could to make their settlement a commercial center. They did not have the slightest claim to the territory they occupied other than by an Indian title, though probably the Connecticut people knew of their coming and were not opposed to it. They tried to obtain a charter, sending Gregson over in the "great shippe" for that special purpose, but the loss of the ship brought that hopeful project to an end, so that to the close of their period of independent life they were legally without protection. They made a second purchase of land from the Indians in December, 1638, covering a tract ten by thirteen miles, including all that is now Branford, East Haven, North Haven, Wallingford, Cheshire, Hamden, and Woodbridge.

The presence of Davenport at New Haven and of Fenwick at Saybrook encouraged an English clergyman, Henry Whitfield, to seek a refuge from his troubles in the mother country in a tract of land lying midway between the two settlements. He sold his estate in 1639 and sailed for New England with his friend Fenwick, who was on his second voyage to his abode at the river's mouth. While on board Whitfield and his company adopted a plantation covenant, binding them to settle as one community and not to leave without the consent of the greater part of the members. They landed at Quinnipiac, where Davenport was expecting them, and after viewing the country, purchased from the Indians in September, 1639, a region,

Menunkatuck, which they named Guilford. They chose the location, because Fenwick had given them a gift of land immediately west of Saybrook, which they found "low, flat and moist, agreeable to their wishes," with the climate like their own in England. The first winter they spent in such temporary shelters as they could provide, with the aid of friends from the New Haven Colony, and there they remained an independent community, separate from the New Haven government until, in 1643, in common with Milford on the west they entered the New Haven jurisdiction, forming the New Haven colony as distinct from the New Haven town. They established a church in the same year and in all their transactions pursued a course very much of their own, depending on the common law of England rather than on the Bible. When in 1664 Connecticut by virtue of her charter declared for the annexation of New Haven, Guilford men were among the first to leave the jurisdiction, Dr. Brian Rossiter leading the way. The rest of the Guilford people remained loyal to the New Haven government to the end, though never as bitter against the union as were those of New Haven itself.

Guilford was the last settlement made in Connecticut independent of an outside authority. All future plantations received their right to exist either from the New Haven jurisdiction or from that of Connecticut. The boundary line between the two was very indefinite, as were all boundaries based on Indian deeds, and neither colony knew exactly where its territory began and ended. New Haven after 1643 claimed to Guilford's east line in that direction, to the southern part of present Meriden on the north, including Wallingford, Woodbridge, and Milford, and two isolated tracts, occupied by Stamford and by Southold on Long Island. Connecticut claimed the

country as far southwest as Greenwich, by virtue of conquest, indefinitely toward the unexplored region of the west and northwest, and north to the latitude running through a point three miles south of the "freshes" of the Charles River in southern Massachusetts. The eventual settlement of these boundary lines became a matter of great concern to the colony and continued to trouble its leaders in one part or another, throughout its entire colonial history.

The defeat of the Pequots had done more for Connecticut than simply relieve her from the dangers of a hostile tribe of Indians. It had opened up for settlement the whole region along the coast and into the interior lying west toward the Dutch in Manhattan. At first this land seemed very remote, but after the occupation of New Haven and Milford some of the people in Hartford, Wethersfield, and Windsor, who were interested in starting new settlements or who desired new lands for their families, turned their attention to this western stretch of coast as available for their purpose. In 1639 the General Court of Connecticut gave Roger Ludlow—one of the colony's leading founders, a magistrate, and a participant in the Swamp Fight near Fairfield—permission to begin a plantation at Pequonnock (Stratford). Ludlow bought lands of the Indians there, who were glad of English protection against the Mohawks, and included within his purchase not only Pequonnock but Uncoway (Fairfield) also, a locality which lay just beyond and had a good harbor. When called to account for his long absence from his duties as magistrate and for purchasing land not specified by the court, Ludlow answered that he apprehended "others" were planning to "take up the sayd place, who had not acquainted the court with their purpose" and thinking that such action might be prejudicial to the

commonwealth he had endeavored to anticipate them. His reference to "others" was to the discontented church members in Wethersfield, who were looking for a new home. The General Court immediately appointed a committee to visit the new plantation, instructing them to give the oath of fidelity to the planters there, to make freemen of as many as they saw fit, to tell the plantation to send deputies to the General Court, and to provide a local court of justice, with right of appeal to the higher authority. They were also to appoint a sergeant to form and drill a trainband. From these instructions the inference is clear that by 1639-1640 there were many people gathered in these two places, though how they got there and where they came from is difficult to ascertain. In 1640 Uncoway and Pequonnock are spoken of as the towns of Fairfield and Stratford and in 1643 the latter was granted the privilege of a magistrate. Until 1647 the two towns seem to have held their court jointly and in 1648 appear together in the list of estates, standing fourth, in the amount of the rate, immediately after the river towns.

Meanwhile New Haven, having heard of a good location for a town beyond Fairfield, made haste to buy Rippowams (Stamford) through Captain Nathaniel Turner in 1640. Apparently, Connecticut did not lay claim to this particular region by conquest or she would certainly have objected to such an encroachment upon her rights. In Wethersfield the ecclesiastical life of the town had not been smooth, the church there with seven members and four ministers had been utterly unable "to walk peacefully and in the light of God," and their disputes and differences had greatly troubled their Puritan brethren elsewhere. Expostulation brought no results, and the only remedy appeared to be withdrawal of the disturbing party. The leaders were the Reverend Richard Denton, of

whom Cotton Mather says, "Though he was a little man yet he had a great soul, his well accomplished mind in his lesser body was an Iliad in a nut shell. I think he was blind of one eye, yet he was not the least among the seers of Israel"; and Richard Gildersleeve, who had got into trouble with the General Court for casting out "pernicious speeches, tending to the detriment and dishonor of the commonwealth." These men accepted the invitation of Davenport, who from New Haven had tried to restore harmony, and agreed to purchase the land of New Haven for £33, to settle and improve it before May, 1641, or to forfeit £5 apiece, and to join with New Haven under a common jurisdiction.

The Wethersfield people were true to their compact. In 1640 a company was formed of some twenty-eight men, with their wives and children, for the purpose of removing to Stamford. In 1641 the migration took place and by 1642 there were probably in the neighborhood of sixty people in the plantation. They organized the town, divided their lands, and conducted themselves with "contentment and satisfaction." They chose a constable, sent their deputies to the New Haven General Court, and held a local court of justice for the trial of all cases up to forty shillings. New Haven added considerably to her position and influence by her dealings with Southold and Stamford. She became an agent doing a real estate business, in line with the mercantile traditions of her leaders, a sort of middleman between the Indians and prospective colonists, although reaping no direct profit in the form of money.

In 1640 the land around Norwalk had been deeded by the Indians to Captain Daniel Patrick, and in 1641 all that remained was given to Roger Ludlow. Nothing further seems to have been done until 1650, when the Indian

deeds were confirmed by the Connecticut General Court. In that year Nathaniel Ely and Richard Olmsted on behalf of themselves and other inhabitants of Hartford petitioned the court for permission to plant a settlement at "Norwaake," having already negotiated with Ludlow for the purchase of Captain Patrick's land. The General Court, glad to have the wilderness improved, agreed to the plan on condition that it be executed in an orderly manner and with due regard for the rules in such cases laid down by the committee appointed by the court—such as, to improve the land immediately, call a minister, and get thirty families on the ground. The company accepted the terms of both Ludlow and the court, and paid the former £15, laying out a lot for himself and his sons worth £200. Under these conditions the plantation was begun. In 1651 the court made Norwalk a town and ordered it to pay its share in the general expenses of the colony.

It is not quite clear why this company of men and women removed from Hartford. The most reasonable explanation is the desire for more land, as the members were not especially important people, being honest, simple farmers, whose desire it was to settle peacefully, so that there can have been no reasons of state involved.

The same Patrick who purchased part of Norwalk bought land in 1640 where Greenwich stands today, in partnership with one Robert Feake. The two men put up rough shacks for themselves and lived there for two years, presumably under English, not Dutch, jurisdiction. In 1642, however, they asked to be placed under the Dutch, because, as they claimed, they had not been protected by New Haven. As Connecticut's claim was very shadowy New Netherland gladly accepted them and agreed that they should enjoy "the same privileges as all

patroons" under the Dutch West India Company. Thus Greenwich for a time became a sort of manor or patroonship. Some few Dutchmen settled there, but we hear little of the place until 1655, when Stamford complained to New Haven that it harbored Indians, drunken Englishmen, and other disorderly persons, who committed sundry "inconvenient" acts, such as letting out their cattle, breaking down fences, and damaging crops. Stamford suggested that Greenwich be taken under the authority of New Haven, where by an agreement between the Dutch and Connecticut in 1650 it had already been placed, but being somewhat of a no-man's land it was at the time seemingly outside the jurisdiction of anyone.

Finally, in 1646, the General Court of New Haven ordered the Greenwich inhabitants to submit, but they refused. Then the colony threatened to seize by force their leaders, "Richard Crabb and some other of the most stubborn and disorderly persons," unless they speedily appeared at a court of the magistrates and gave in their adhesion. This threat was effective and twelve of the people, including one Dutchman, signed an agreement to yield themselves, place, and estate to the government of New Haven, subjecting themselves to the order and dispose of the General Court there. They were made a part of Stamford and relieved of rates for the space of one year. Many new settlers came in from this time forward, most of whom were from Hempstead, Long Island, and from Massachusetts.

New Haven's control upon Long Island started with a small group of people from Norfolk, England, under the Reverend John Young, who came by way of New Haven in 1640 and in New Haven's name purchased lands and, after a short stay on the mainland, went across the Sound and founded the town of Southold. They were soon joined

by settlers from Massachusetts, and soon after their arrival gathered a church "anew." As was the case with Stamford, Southold became a part of the New Haven Colony.

About the same time two other plantations were begun, Southampton and Easthampton, the former settled by people from Lynn, brought to Long Island in a New Haven vessel, who purchased their land directly of the Indians, having already, June 12, 1639, obtained from James Forrett, agent of the Earl of Stirling (d. February, 1640) a grant of territory between Peconic and the easternmost point of Long Island. This grant was supplanted by another, April 17, 1640, allowing representatives of this group and their associates "to sit down upon Long Island, there to possess, improve, and enjoy eight miles square of land," subject to an annual quit-rent, eventually fixed at four bushels of the best Indian corn. The Dutch made them a good deal of trouble, and after considerable confusion Southampton voluntarily entered the jurisdiction of Connecticut, according to terms carefully drawn up by committees from each party, which became the basis on which other Long Island towns were admitted and which continued to prevail until Connecticut lost Long Island entirely after 1664. Easthampton also was settled from Lynn, the company securing for £34 through Thomas Stanton in Theophilus Eaton's name and at Edward Hopkins' expense, an Indian deed to land to the east of Southampton. There by 1649 thirty-six settlers had arrived, who paid their debt to Hopkins and soon organized their town. Easthampton remained independent until 1658, when its people in turn applied for admission to the Connecticut Colony.

Thus far we have been dealing chiefly with the towns on seacoast and rivers and must turn for the moment to

take up movements into the interior. Wethersfield, Hartford, and Windsor had not in their four years from 1636 to 1640 acquired as many neighbors as New Haven had in the two years from 1638 to 1640. These towns were still the only settlements above Saybrook, whereas there were five on the coast, with three others in contemplation. Several reasons may be assigned for this isolation of the river towns. Expansion on the part of the towns was slow, partly because the Pequot War had drained their strength and partly because there was a large amount of available farm land in the immediate neighborhood, either near the settlements or across the river. Thus the pressure of a desire for new land was not felt as soon as might be expected in view of the number of inhabitants. The people who left Wethersfield to go elsewhere were not in need of land and they journeyed as far away as possible in order to get beyond the reach of church disputes and dissensions.

As far as new plantations on the upper reaches of the river were concerned, the opportunities were not favorable. Above Windsor a company of settlers would run the risk of falling either wholly or in part within the boundaries of Massachusetts, for the Woodward and Saffery line of 1642, because of inaccurate instruments, a fact not discovered until 1702, struck the Connecticut River several miles too far south and the matter remained unsettled for many years, leading to endless disputes between Windsor and Springfield, and after 1680 with its offspring, Enfield. Land on the east, beyond the cleared strip opposite the river towns appeared to be rough, heavily wooded, and dangerous. At Mattabesec or Middletown, the Indians of that name had their headquarters and had shown themselves unfriendly to the English. Below Middletown the character of the river banks

changed to steep, rocky land or low marshy land—either variety equally uninviting to the newcomer, who not unnaturally preferred to pitch his new home on the coast with cleared land all ready for the plough.

To all appearances the country west of the river beyond the settlements was unpromising. A great wilderness, beginning with the Talcott range, stretched indefinitely toward the horizon. A few enterprising traders had been up and down the Tunxis River and had marked off favorable spots for settlement, for the friendliness of the Tunxis Indians and the growing need of more spacious farms were leading them to find locations in that quarter. In 1640 certain ones of Hartford, Windsor, and Wethersfield moved the court for “some enlargement of accommodation” and the latter appointed a committee, two from each town, to “view these parts of Uncus Sepus” and make a report. In June the conditions of settlement were left in the hands of the particular court for completion, but it was not until 1645 that a name, Farmington, was found for the Tunxis plantation, bounds were determined on, a temporary recorder appointed, and the town vested with all the liberties of the other towns but warned not to make orders among themselves contrary to the “fundament agreements” contained in the conditions of settlement.

No sooner had the Farmington plantation been started than other plantation projects were set on foot. Certain inhabitants of Windsor asked for an enlargement of territory in a favorable spot higher up the Tunxis River, at the further end of the mountain range and petitioned the court to that effect. The governor, George Wyllys, and John Haynes of the magistrates were authorized by the court to dispose of “the ground uppon that parte of Tunxis River called Massacowe or Massaco, to such

inhabitants of Wyndsor as they shall see cause." But nothing came of this and in 1646 the court decided to purchase the lands and to appoint a committee to sell them for what they cost. But again the plan failed. In the meantime one John Griffin, engaged in making tar, pitch, and turpentine, obtained a grant of all the lands in Massaco as compensation for injury done and this grant was confirmed by the court "in consideration that [Griffin] was the first to perfect the art of making pitch and tarre in these parts." But it was not until 1664 that the eagerness of the Windsor people to obtain land overcame their fear of the Indians and their unwillingness to go so far from the river into the wilderness, and a settlement was begun, called Simsbury, a shortened form of the English Simondsbury in Dorsetshire. Both Farmington and Simsbury were on a water course, within a more or less convenient reach of the Great River, and it was to be many years before any of the settlers were bold enough to strike into the woods beyond the reach of river communication.

The land in the region of Totoket had been purchased by New Haven in December, 1638. In 1640 she had sold it to Samuel Eaton on condition that he would settle there with his friends. This condition was not fulfilled and the New Haven court gave the land into the keeping of the particular court to get rid of as it saw fit. People were encroaching there without right or title and New Haven was very desirous of having an orderly company take over the place and establish a permanent plantation. Fortunately for its purpose, a group in Wethersfield, under the leadership of Richard Swayne, was looking for an escape from the ecclesiastical troubles in the town and after visiting Totoket purchased for £12 title to the soil. The purchase was made in 1643 and a few months after-

ward in 1644 the settlers arrived, and were later joined by Abraham Pierson and a part of his church from Southampton, Long Island. The conjoined planters willingly entered within the New Haven jurisdiction and set up their church after the New Haven model. The new plantation was called Branford, a popular corruption of Brentford, a London suburb on the Thames opposite Kew.

The western bank of the Connecticut River, between Saybrook and Wethersfield remained unsettled until 1646. As early as 1639 men had been sent to Mattabesec (Middletown) to find the Indians who had murdered a white man and who were supposed to be in hiding somewhere in the neighborhood. This visit may have opened up the advantages of the country, which were not clearly evident when viewed from the river, for Mattabesec was on the turn of the stream, and though its shores were marshy on one side, they were rocky on the other. In the back country, however, were good arable fields with an abundant water supply, fed by five small streams which ran in at this point. But the Indians were hostile and it was not until 1646 that it was considered safe to begin a plantation. In that year a committee was appointed, but we hear nothing further until 1650 when a land committee began to push the undertaking with so much enterprise that the next year the plantation was large enough to be made a town by the General Court. Mattabesec was called Middletown in 1653, it was already organized and entered in the rateable list, and a church was formed in 1665.

Stonington, like Hartford and Windsor, started as a trading post. In 1650 Thomas Stanton was given liberty to traffic at Pawkatuck and was granted a three years' monopoly of the business. A year later, this monopoly was infringed by an interloper, William Cheesborough,

who intruded on the territory and put up a house near that of Stanton. He was ordered to remove and put under bonds of £100 not to trade further and unlawfully with the Indians. In 1652 the deputy governor, John Haynes, was granted 3,000 acres east of Pequot and gradually other settlers began to cross the Thames and move into the Pawkatuck country. The numbers had become sufficient by 1657 to warrant the General Court in ordering the establishment of a minister and in the same year Mystic and Pawkatuck were set up as a town independent of Pequot at New London, whence most of the planters had come. Massachusetts had had pretensions to this region and was familiar with it before any settlement took place there, under the name Southertown, which later grew into the modern Stonington, and when in 1657 Connecticut extended her jurisdiction in that quarter Massachusetts reasserted her pretensions and, assuming that Mystic and Pawkatuck were hers, not Connecticut's, incorporated them as a town under the name Southertown. Connecticut, basing her claim on the Warwick patent, replied that she had long exercised authority there, that the inhabitants had taken the oath of fidelity to her, and that the territory was rightfully hers. Massachusetts rejoined rather bitterly, "Wee cannot a litle wonder at your proceeding so suddenly to extend your authority to the trouble of your friends and confederates." A heated controversy ensued, Connecticut expressing the hope that Massachusetts would stop laying further temptations before "our subjects at Mistack of disobedience to their government" and adding that she would not have endured so long these "uncomfortable debates" had it not been "to maintain the love with our Massachusetts friends." The matter was referred to the commissioners of the United Colonies and decided in Massachusetts' favor,

but Connecticut refused to agree and after the issue of the charter of 1662 compelled Massachusetts to give in. On October 15, 1672, Massachusetts made a parting reference to Connecticut's having obtained the charter, "which we hoped and had some assurance should not prejudice our right" and added, "this charter made your claime to the jurisdiction of these parts with so much pressure and at such a season that it was judged by us more dangerous to the common cause of New England to oppose than by our forbearance and yielding to endeavor to prevent a mischief to us both." The withdrawal of Massachusetts and her failure in attempting to make the Mystic River the eastern boundary of Connecticut left the latter colony face to face with Rhode Island in the controversy over whether the Pawkatuck River or Narragansett Bay was the eastern boundary. This quarrel was prolonged until 1727, when by decision of the king in council the Pawkatuck was made the boundary line.

The junction of the Shetucket and Quinebaug Rivers appealed to Jonathan Brewster of New London as offering an advantageous location for a trading house, with which to start a traffic with the Mohegan Indians. In 1650 word was brought to the General Court that Brewster had established himself at "Mohegan" without leave, an action considered "very disorderly," but he was allowed to remain until the court saw fit to remove him. Just when the idea of settling a plantation there entered the minds of a group of people at Saybrook cannot be ascertained. Why Saybrook people wanted to migrate is equally mysterious. They were comfortably provided for at home, were well housed and at peace, and as far as known were neither restless nor discontented. Why they should have wanted to settle a new town in the wilderness is a puzzle, unless it be that they were attracted by the

opportunities for Indian traffic at the head of a navigable stream. In 1659 we find the Reverend James Fitch and Captain John Mason (who had already assisted in laying out three or four other plantations) enthusiastically gathering the people of Saybrook into a company for migration to Norwich. In May of that year they received permission to go from the General Court, provided they settled within three years, and, twenty-eight in number, left Saybrook in 1660. As the settlers comprised the majority of the Saybrook church and were led by their minister, their migration resembled that of Windsor and Hartford, the removal of a body of covenanted Christians. There was no ecclesiastical reorganization after they reached Norwich, though their desertion of Saybrook necessitated the setting up of a new church there. They bought nine square miles of territory for £70 from the Mohegan chieftains, Oweneco and Joshua, sons of Uncas, the purchase price being defrayed by all the planters. In 1661 the General Court ordered "Norridge" to send a committee to see about the organization of the town, instead of appointing a committee of its own to "view" the place, and continued to keep in touch with the progress of the place, in order to see that all conditions were successfully met. In 1663 the court, satisfied with what was being done, admitted freemen and deputies, thus constituting Norwich a full fledged town.

Some of the early divisions on the other side of the Shetucket brought the planters into close contact with the Indians, who made an attack upon two of them working there in 1676. Many of the Norwich people had sent their sons to take up land at "East Norwich" and by 1681 there were at least six families in the place. As the number increased and the settlement promised to become permanent, these east side settlers found it more and

more difficult to go to Norwich for Sabbath day worship. Finally, when the boundary between Norwich and New London was run, they found themselves outside all town jurisdiction and in 1686 nineteen of them applied to the General Court, saying that they were fourteen miles from New London and six or seven from Norwich and that they "hazard their lives over the water to hear the Word of God preached." They wished to be a plantation by themselves and to have their own minister, and promised to pay minister rates to Norwich until their own incumbent was settled. In 1687 their request was granted, they were created a town under the name of Preston, and were temporarily freed from country rates in order to encourage the organization of their church. They were authorized to send deputies, the first of whom appeared in 1693, and full church estate was recognized in 1698.

Preston was not the first to begin as a part of another town which, because of distance or of the difficulties of communication, was set off as a separate church society and gradually grew to the maturity of a town. The inhabitants of the river towns had been settled only a short time when they turned their attention to the fertile lands across the river. Windsor had bought lands of the Indians there in 1636 and was allowed to maintain a ferry in 1641. Hartford and Wethersfield both extended their bounds to include farms of three miles and more stretching toward the eastern wilderness. As early as 1649 the land opposite Saybrook was surveyed and grants were made by New London to people on the east side of the Thames. In 1657 Wethersfield's farms at Glastonbury and Naubuc were being occupied and improved. All these settlements grew gradually. When the people in the old towns felt pressed for land and could not find accommodation in their near-

by fields for their own children or for newcomers, they turned to the lands across the river and found there the opportunity that the old home did not furnish. At first tenure was largely for the summer months, but as numbers increased permanent homes were built and steps were taken looking to a certain amount of self-government. This at first took the form of a pound for the restraining of animals, then of a minister during the winter months (winter privileges), and finally a constable. Winter privileges soon grew into all the year privileges and the establishment of a church society, though there are instances where town organization preceded that of the church and other instances where all the privileges of a town and church were granted at the same time—name, brand, trainband, constable, church society, and town government. Not all the parishes attained to town incorporation, for a great many, located within only a mile or two of the center, remained politically a part of the old town. But where separation involved mountains, a dangerous river, or rough communication over almost impassible roads the new community generally grew into a separate town.

The settlement and growth of Groton, opposite New London, covers a period of almost fifty years. Grants of land to people of New London were made there in 1653. In 1661 New London's bounds were run on the east side of the river and in 1678 petitions for a separate church estate were refused, though grants continued to be made, a large one to Winthrop in 1656, another to Brewster later, and smaller grants to others. On the north of these grants was the Mashantucket reservation for the Pequot remnant and to the southeast were scattering grants in the Mystic and Pawkatuck region. Groton seems to have been closely bound up with New London in all her politi-

cal activities and the first request for a separate political existence did not come until about 1700. Terms were arranged with New London and the General Court incorporated Groton as an independent town, provided the east side allow the west side the use of its ferry, pay its debts—for the people there had been backward in meeting their rates—allow the pine swamp for mast timber to remain common property, permit the conditions of landholding to remain as before, and agree that any land there used by the west side for the benefit of schools and the ministry should remain so indefinitely.

“Thirty Mile Island” was the term used to designate the region on the Connecticut opposite a small island in the river, which was supposed to be thirty miles from the Sound. Saybrook had viewed the place but made no attempt to settle it. In 1660 some inhabitants of Farmington, Hartford, Wethersfield, and Windsor requested leave to start a plantation there and the court agreed. A committee was appointed and in 1662 twenty-eight men—mostly young and just married—migrated down the river and built homes there. Saybrook protested but the court upheld the settlers and found their title valid. In 1668 the place was made a town under the name Haddam, from the English Great Hadham in Hertfordshire, where John Haynes, the first governor, still had family connections. Five miles below Haddam, on the east shore, lay a tract of land which was included in Haddam’s original purchase. From time to time the inhabitants had cultivated the land there, and by 1695 enough people had gathered and taken up shares to necessitate fencing the fields, consequently they asked leave to maintain a minister. This favor was denied them, as the court considered the east side as still too poor, and it was not till 1700 that the Haddam East Society was formed and not until 1710

that the society took a step looking to incorporation by obtaining separation in part from Haddam. It was arranged that both sides should be as separate as if they were distinct towns, but that each should send one deputy to the General Court, the east society having no officers, which were those of Haddam only. This arrangement was sanctioned by the court and lasted until 1734, when East Haddam became a full town with all town rights and privileges.

The position of Kenelworth or Killingworth, the original part of which now bears the unhistorical and artificial name of Clinton, was in doubt for some time, as the General Court had not been able to tell just how much land there was there free for planting. For this reason it was thought safer for individuals to take up grants, and to further this end a committee of two from Hartford went to Hammonasset in 1662 to view the place; and if it should prove not fit for a plantation, they were to lay it out in four parts, and if there should be room, in two more. These parts were to be given to six persons, named in the instructions, but the plan was not consummated and the next year another committee was appointed. Saybrook, at this juncture, presented a claim to the land, but after a careful examination the court pronounced the claim defective and had to repeat its decision several times before Saybrook could be convinced. In August, 1663, the committee reported that there was room at Hammonasset for thirty families and consented that John Clow, jr., and others should be at liberty to set up a plantation. It drew up a kind of plantation agreement, consisting of nine articles, pledging the twenty-three signers to settle within two years or forfeit their lots and to call a minister and reserve a glebe for him. In the same years these men obtained an Indian title from Uncas and

paid Saybrook a quit-claim covering some portion of her territory to the eastward.

A plantation that was to come under Connecticut's jurisdiction by secession from Massachusetts in 1748 was Enfield, which in origin was that section of Springfield known as Freshwater extending southward along the river. Planters had gone there from Springfield as early as 1674 but the first attempt to settle was in 1679 when the town meeting appointed a committee to manage the concerns of the proposed plantation at the Falls and at Freshwater, where a warehouse had been set up. Though supposedly a Massachusetts town the circumstances of its settlement do not differ from those of the typical towns of the later seventeenth century, either in its land distribution or its town organization. Thirty families from Salem, Massachusetts, were there before 1684, as wanderers in search of new homes, a constable was appointed, and a civil and ecclesiastical order introduced. A meetinghouse was erected the same year. In 1688 the first town meeting was held, and selectmen chosen pursuant to the orders of the Massachusetts court. A corn mill appears, an iron work was started, and the town grew so rapidly that in 1720, forty years from the time of settlement, the whole township was practically settled from the Connecticut River to the borders of the town of Stafford of today, which stands on land that was part of the wilderness then stretching unbroken to the eastward over the present Windham and Tolland counties. Enfield, the child of Springfield, became the promoter of adjoining plantations and sent forth numerous emigrants into the eastern townships that were soon to be created in eastern Connecticut. Somers was but Enfield's "east side," incorporated by Massachusetts in 1734.

Suffield, Enfield, Somers, and Woodstock were the

towns that seceded from Massachusetts. Suffield's land had been set apart by the General Court there as early as 1660 for any twenty families that would settle within four years and secure a minister, the people to come from Springfield. Though a few lots were taken up, it was not until 1670 that enough had arrived to warrant the grant of plantation privileges. The Indian title was extinguished in 1672 for £40. Three years later the settlement was abandoned for fear of the Indians and it was not until 1682 that the people returned in sufficient numbers to warrant the calling of a town meeting, composed of thirty-four voters, for the election of townsmen. For a number of years there was friction between Suffield and Windsor over the boundary line, involving the territory that is now the southern part of Suffield and the northern part of Windsor or Windsor Locks.

From earliest times the General Court of Connecticut had been in the habit of granting lands as gratuities or compensations for services rendered, a practice common to all colonizing enterprises. Such grants might be made to public officers, soldiers, or men of mark. At first these grants were indefinite, to be taken up in any place not prejudicial to another grant or plantation. Usually the grantee chose some spot near a settled community or one especially suited to his tastes and interests. But as time went on and land began to grow scarce, the General Court felt the need of arranging the grants more definitely, both for the safety of the grantee and the orderly settling and grouping of the population. They therefore began to concentrate the grants and to require that such grants be taken up in some special region. At first this region was near New London in the Pequot country, perhaps in order to bring influences to bear upon the Mohegan Indians. But as accessible and desirable localities there began to

fill up, the court looked elsewhere for "colony land," and chose the territory north of Guilford and Killingly and west of Middletown. Grants had been made there to soldiers of the Pequot War, and were offered to Colonel John Talcott "and others," 1662, to Samuel Talcott, 1669, and to William Leete and Israel Chauncey, 1672. Talcott also bought some of the soldiers' land. Guilford, too, had allotted territory in this region, so that by 1699 there were twenty-eight planters there ready to petition for a plantation. Their reasons stated in the petition are interesting. They said that several farms had already been assigned to families there and that other families were ready to come. They wanted to set up the worship of God as an inducement to new settlers, and were confident they could maintain it because the country was filling up with people. Planters were settling on scattered farms, an act which was not only a danger in itself, but an obstacle, to church worship. Because of this absence of compact family grouping the court, in accepting the petition, decided to lay out a town plot at Cockingchaug (Durham) and authorized the proprietors to give up a fourth of their farms to be sold to prospective buyers, the money to be divided among them according to the number of lots which each should contribute. The plot was laid off in 1700, but the location was changed in 1703, because the first place was too restricted, and it was hoped that the arrangement would "be the means of procuring a flourishing plantation in a short time." The town, called Durham in 1704, was mainly situated on Colonel Talcott's upland farm, through which the highway ran from Wallingford to Middletown. There was considerable trouble experienced in settling the bounds with Killingworth, but by 1708 the conditions were all so favorable that the town was given a special patent of incorporation

dated May 21 of that year. This would appear to be the first definite town charter issued by the General Court of Connecticut.

A trading house on the Paugasuc River in 1642 is the first indication we have of the settlement of Derby. John Wakeman of New Haven was employing workmen there in that year and in 1654 Stephen Goodyear and those who had a "part with him in Paugasuck" were told to decide whether they should put themselves under the New Haven jurisdiction or not. The following year Richard Baldwin and others bought shares from Goodyear in the trading post and signified their desire to accept New Haven's invitation. New Haven responded by setting them apart as a little village by themselves, within which they were to manage their own affairs and be free from rates for three years. This act met with immediate opposition from Milford, which complained that if Paugasuc should be allowed to become a separate plantation, then its people would be cut off from commonage. Negotiations followed. One suggestion was that Paugasuc sell out to Milford, or, if Milford refused to buy, to New Haven. But in the meanwhile a new factor appeared. Lieutenant Wheeler of Stratford secured a large grant in the Paugasuc region and offered to come under New Haven, but the latter refused to consider the offer as long as the rest of Paugasuc was uncertain what to do. In 1659 New Haven gave the Paugasuc planters one more year in which to make up their minds and in 1660 they accepted the status of a village, paid their rates, and set about acquiring more land. In 1665 New Haven ceased to be an independent colony and Paugasuc came under Connecticut's jurisdiction and was encouraged "to try to be a plantation." In 1669 a constable was chosen and the records show that there were eight proprietors there in full control of their

lands. Increases followed. As the original proprietors had foreseen the hindrances to settlement that would be caused by failures to take up grants when purchased, they required that such be done within four years and a sufficient and habitable house erected thereon or the land would be forfeited. They engaged a minister in 1675, planned the road to Woodbury, set up a ferry on the Naugatuck River, and prepared the settlement for town estate. In consequence in that year, 1675, the General Court on motion of Joseph Hawkins and John Hulls granted Paugasuc all the privileges of a plantation and called it Derby, freeing it from country rates for three years, the inhabitants paying all their other charges.

A good many people in New Haven had begun to feel crowded and desirous of new and more extensive farms. Two years after the union (in October, 1667), the New Haven deputies in the General Court of Connecticut asked permission to begin a village on "East River." Permission was granted on condition the lands be settled within four years. The place referred to was on the Quinnipiac at what is now Wallingford and had been included in the "big" Indian purchase of 1638. An agreement was drawn up and signed by thirty-seven names, which provided that inhabitants would be received "with due respect to New Haven people so far as it can consist with the good of the place and the capacity thereof." Settlement was begun in 1667 and was carried on so vigorously that within three years the place had received a name, Wallingford, had called a minister, and in 1673 had replaced the committee in charge with a regular body of town officers. A church organization was set up in 1675. Ten years later the proprietors voted to lay out a certain "parcell" of land lying to the westward and covering all of the present town of Cheshire (Chester-shire), which had been reserved for

new planters. The place was known as "West Farm on Mill River that goeth toward New Haven" and while a few grantees may have cultivated their new lots, no houses were built there for some time. A road was run there in 1702 and in 1706 a viewer of highways and fences was appointed. In 1711 Wallingford decided to divide its trainband and that act was the first step leading to the separate existence of Cheshire. Mining activities in the district no doubt had a large part in drawing people into the locality, and the growth of the community appears from the fact that in 1715 one half of the school money allowed Wallingford was given to Cheshire, as the distance was too great for the children of Cheshire to walk to Wallingford. Three years later the plantation asked to be made a separate ecclesiastical society, but this was not granted by Wallingford until 1723, because of the insufficiency of the Cheshire list of estates. The General Court confirmed Wallingford's action and named the place the New Cheshire Society and in 1724 gave it its present name. It was not incorporated as a town until 1780.

Woodbury was founded by a church company and its minister, the result of ecclesiastical troubles in Stratford. In 1665 Israel Chauncey had been made the second pastor of the Stratford church, in the face of considerable opposition, which eventually, after Chauncey had been given a fair trial, led to an invitation by the insurgent members to the Reverend Zechariah Walker to preach to them. A peculiar arrangement was entered into in 1669, whereby Chauncey and his followers used the meeting-house half the day and Walker and the insurgents the other half. A day came, however, when Walker continued his sermon into the Chauncey period and the latter's congregation were forced to meet elsewhere. Consequently, the Walker party, foreseeing what would happen and

wishing to avoid trouble, purchased lands for a plantation at Pototuck (Newton) with the intention of removing there, and the court confirmed the purchase provided a plantation be settled within four years (1670). Nothing seems to have been done in the matter, and in the meantime the religious dissension between Chauncey and Walker increased, the former, as the first called, refusing to yield, even though the latter had the majority of the people behind him.

At last Walker, giving in, petitioned for leave to plant Pomperaug (Woodbury) and in 1673 fifteen of his congregation settled there, under condition that they allow "any other honest inhabitants of Stratford" to join them and settle the place within three years. During the Indian uprising of 1675, some of the settlers returned to Stratford and thereby placed the remaining planters of Woodbury in an awkward position. The latter begged their former associates to return, with the intention of making Woodbury "their constant home," otherwise they would be compelled to grant their lands to others. "Friends [they wrote], we insist upon your resolve to make Woodbury your home, if you would hold your lands, because your coming or sending up a few weeks or months in summer will not answer the ends of a plantation, nor the expectation of the court in granting it . . . we covet not your lands, but your company," and the writers sign themselves "your loving neighbors at Woodbury." This letter was supplemented by an order of the General Court (1678), requiring the absent proprietors to return or to notify Woodbury of their intention not to do so, losing thereby all their rights in lands and accommodations. Whether the absentees actually returned or not is uncertain, but with or without them Woodbury continued to grow. Its boundaries were defined in 1683, it had a

trainband with captain, lieutenant, and ensign the next year, and sent deputies to the General Court in 1684. But ecclesiastical troubles continued to haunt the inhabitants, differences led to withdrawals, until the General Court, dismayed at the situation, begged them to agree amongst themselves for some satisfactory issue "according to rule and righteousness." Matters were smoothed over, the township continued to grow, its bounds were enlarged in 1703, and in the second intercolonial war (1702-1713), it served, with other frontier towns, as an outpost for the protection of the colony.

Just as Durham represents the northern farms of Guilford and Wallingford those of New Haven, so New Milford, although farther removed, represents the pushing of a group of Milford men into the interior of the colony. In 1670 the General Court gave liberty to Nathan Gold, Jehu and John Brown to purchase Weantinock or Weantinogue from the Indians on the usual conditions—any honest inhabitant to be allowed to go there and the place to be settled in four years or revert to the colony. The place did so revert and in 1678 the court took it in charge. A committee report showed that there was great confusion in the boundaries of the region and recommended that all settlement cease—eight miles from Derby, Woodbury, Mattatuck (Waterbury), Pototuck (Newton), and Weantinock—until surveys were made. This order put a stop to all settlement and it was not till 1702 that the project for a plantation again got under way. The method employed was that of a land company, purchasing land, partly on speculation, and selling rights and half rights. The original purchasers numbered 109, of whom 99 bought whole rights and ten half rights. Only a small part of this number ever went to the plantation to live, and we have in the case of New Milford an early example of what

was to become very general in the eighteenth century of New England, the promotion of towns as a business proposition. Additional purchases extended the territory of the plantation until it became the largest in its landed area of any town in the colony. In 1712 it received town privileges, and in the years that followed threw off, as so frequently happened with the older towns, sections that became, in part at least, the bases of other towns—Brookfield in 1788 and Washington in 1789, for example.

Mattatuck or Waterbury drew its settlers from Hartford and Farmington. In 1657 the Indians of that region gave to certain people from Farmington the right to build shacks and carry away black lead but not to plant a permanent settlement. In 1673 twenty-six inhabitants of the same place asked the General Court for a “place for subsistence and land to labor on,” and having viewed the flats of the Naugatuck River and thinking them suitable, believed that the place would accommodate thirty families. The court committee reported 600 acres of meadow and plough land, besides upland convenient for a town plat, with a suitable outlet into the woods and good feeding land for cattle. Five men were chosen to be a “grand committee” and they drew up unusually strict requirements for settlement. The first choice of a town plat was on the west side of the river, but danger from the Indians and difficulty in crossing the stream led to a change in 1677 to the east side, where the grand committee remained in charge of the place until it was made a town in 1686.

We have but little information about the early settlement of Danbury, a name the origin of which is not certainly known. The petitioners for town privileges in 1687 asked for the name “Swampfield,” but Governor Robert Treat rejected that and substituted “a village name fa-

miliar to none but an Essex man, though full of suggestion to him of Dane-bury [Danbury in Essex], the ancient encampment of the Danish invader in that shire of Eastern England." The region (Paquiage) was under consideration as the site of a prospective plantation as early as 1684, and in the same year a number of people from Norwalk trekked northward with their cattle and in so doing got rid of paying half the rates in their former place of abode. The population was sufficiently swelled by 1687 to lead the court to name the place Danbury, to lay out the bounds, to assign a cattle brand, and to free the inhabitants from rates for four years. There were twenty families settled and more coming. A few years later nine men of Norwalk asked the court to appoint a committee to view land west of Danbury, north of Norwalk, and east of the New York line, as a place capable of supporting thirty families. In 1708 twenty-six Norwalk men obtained permission to buy land there and the settlement of Ridgefield was begun the next year. The court's grant was to thirty-seven men, of whom twenty had settled by 1711, when town privileges were granted. Some trouble was experienced there as at New Milford, and in the eighteenth century elsewhere in the colony, with absentee proprietors, who claimed rights to land but saw no reason why they should pay rates for the upkeep of the town and the support of the minister, when they were doing the same thing elsewhere. New London once complained that its absentee proprietors lived all the way from Halifax to Charleston, South Carolina, and the issue became one of serious consequence to towns that were finding non-resident rates hard to collect. In 1714 the court ruled that the absentee proprietors of Ridgefield should have three years in which to settle on their plats, should pay £5 for every year they remained away, and should forfeit their

lands if at the end of the term the lands showed no evidence of having been improved.

The usual procedure of settling a town had now become well defined, as a matter of General Court practice. There were, however, two tendencies against which the court had to contend: first, the increase of absentee proprietorship, particularly in the case of new and struggling towns, which showed the passing away of the earlier idea, characteristic of the plantations belonging to the first seventy-five years of the seventeenth century, of making grants to compact groups of people, and the entering in of the practice of purchase and sale, which destroyed the unity, religious and political, of town life; the second was the human liking for accumulation, "engrossing" as it was called, whereby in colony and towns individuals gathered into their hands and under their control larger areas than were owned by their fellows and so were able to enjoy a monopoly that was destructive of the older Puritan idea of equality.

The first of these—absentee ownership—was foreign to the original idea of what a town ought to be and how it should be organized. From the very beginning it had been guarded against as pernicious. In 1636 the Springfield settlers inserted in their plantation agreement a clause designed to prevent, or at least to hinder, any such misfortune from taking place, by requiring every planter to settle within three months on the land allotted to him. Similar clauses appear in almost all plantation agreements and court requirements, though occasionally where the members of a purchasing company were sure of the interest and loyalty of their fellows no agreement was deemed necessary, as in Hartford, Windsor, Wethersfield, Milford, Fairfield, Stratford, Branford, Middletown, Norwich, Haddam, and Danbury, or in cases where

the settlement was scattered or very gradual, as in Saybrook, New London, Greenwich, Preston, Glastonbury, Groton, East Haddam, Durham, and Cheshire. Naturally such settlements as Groton would not require a time limit, as the settlers were all on the spot, before plantation privileges were asked for. Guilford and New Haven had plantation covenants, as did some other towns, which bound them to social and religious fellowships as a more or less permanent group. But in other and later towns plantation agreements or "articles of agreement" were well known documents, fixing a definite number of years within which land must be taken up, built on, and improved. The General Court adopted the rule as early as 1663, giving Lyme a four year period and following it up with similar limitations for Wallingford, Woodbury, New Milford, Ridgefield, and Newton. These requirements became popular after the Indian raids of 1675-1677, when all the new towns suffered from a large number of absentees, who were still fearful of facing the wilderness. After 1700 absenteeism became a constant and menacing danger to the integrity of the towns. The number of non-resident proprietors increased by leaps and bounds, and the spirit of land speculation and promotion came upon the colony, and through all New England the selling of rights in the lands of a town was a mania that seized upon all classes, high and low, rich and poor. Inhabitants of towns tended to become merely fortuitous settlers, without common interests other than those of locality, and the actual owners of town lands might live in three or four colonies. Winchester (1758) had 106 proprietors, not one of whom lived in the town. In Union (1734) three-fourths of the land was owned outside, and in Cornwall (1740) half the acres (12,000 out of 25,000) were similarly controlled.

The second danger, monopoly of land, was at first

theoretical rather than real. The first Puritan settlers made equality of opportunity a basic principle in the distribution of town advantages and endeavored to give every householder his fair proportion. Even bachelors were considered, and both Farmingham and Wallingford had "bachelor lots," on the ground that bachelors might marry and bring up families, and so would need a landed estate. Even when equal division was agreed upon, in contrast with division according to rateable estate, the decision as to the location of the share was left to the "judgment of God," by the casting of lots. Springfield prohibited any man from owning more than ten acres for a homelot, with his portion of woodland, pasture, and marsh proportioned to his estate. The Killingworth "articles" forbade anyone to put in more than £100 to the purchase fund; Waterbury's "grand committee" limited allotment to the same amount of estate. It was a law of the older towns that no one could alienate his land without first notifying the town and giving it the first right of purchase, and for this reason engrossing during the earlier period was not a common occurrence. As the same or a similar rule was enforced by the General Court it is evident that not until the era of real estate speculation began was monopoly a serious menace to settlement. But once entered upon it was destined to alter in many respects the character of the colony's life, in breaking up the old Puritan solidarity and the coöperative spirit of the earlier time. The subject is one of absorbing interest and affects materially the remaining part of our story.

The towns mentioned thus far had the common characteristic of being settled by those who purchased their lands of the Indians or received them on petition from the General Court. As a more or less uniform plan of control was adopted the towns tended to be regular in form and

similar in appearance, the homelots grouped on the main street, roads laid out, and the farming lands divided into nearly equal portions. From this time on, though the chronological order is of no special importance, town development entered a new phase, which is radically different from that which appears in any of the towns thus far described, the practice of granting lands for towns as a means of profit, an object that would have been repudiated by the older generation of the Puritan fathers.

With the opening of the northeastern section of the colony, where now lay the most important area of public or colony land, a change took place in the procedure adopted. The proprietors were no longer representatives of a compact body of people who definitely wanted to locate on the soil as a group of Christians or a group of neighbors, or both. They were in the business on their own account, buying the land as an investment to sell to anyone who could be induced to purchase. Such a sale would bring very considerable profits, as land could be bought in large areas from the Indians for very little and sold off in small lots at comparatively high prices. The entire controversy over the Mohegan lands, which lasted for more than half a century, can be understood only when viewed from the standpoint of the scarcity and rising value of land in the colony. In the notorious case of Captain James Fitch, son of the Rev. James Fitch, who had led the men and women of Saybrook to the settlement of Norwich, who owned practically all the land in Windham county, the profits must have been enormous. He had gained possession of large tracts of country, by the Mohegan land claim, and probably did more than anyone except the agent for the Indians, Samuel Mason, to involve the colony in trouble and litigation. He wanted to secure possession of the entire Pequot and Mohegan ter-

ritory and refused to relinquish any part of his claim. This kind of land-promoting, with which the court expressed its entire dissatisfaction, was brought to a system in the handling of the western lands of the colony, covering over 300,000 acres, in what is now Litchfield county, during the years from 1719 to 1755, and the same eagerness for land speculation is to be seen in the activities of the Susquehannah Company (1753-1803), whose operations in northeastern Pennsylvania have been recently disclosed in three volumes of documents issued in 1930.

This activity in real estate, in no way peculiar to Connecticut but characteristic of all the colonies, north and south, had a disastrous effect in weakening the authority of the court and of scattering population and settlement. The court lost control of the land, for the conditions of settlement were left in the hands of the purchaser; while in the towns any settler might take up land without knowing who his next door neighbor was to be or when he would arrive. Usually, the proprietors, if enough shares had been sold, met and laid out the land, as in Windham, but when this was not the case the groupings were scattered and accidental and town organization was long in coming. The later period of Connecticut's colonial history shows no such integrity of purpose and concentration of interest as does the period of the seventeenth century with its strong religious motive underlying the founding of towns. The eighteenth century, as far as the treatment of the land is concerned, is without the spirit either of coöperation or of mutual interest.

The Wabbaquasset country, covering townships now along the Massachusetts line, was claimed by Uncas and held by him as a Pequot conquest. At his death he gave the western half to Joshua, and the eastern half to Oweneco, his sons. Joshua died in 1676 and left his share by

will to Captain John Mason and fifteen others in trust for a plantation. In 1679, as a punishment for allowing a drunken bout in New London, during which the jail was broken into and damaged, Oweneco was ordered by the county court to transfer his claim of 600 acres of land to the English. This land James Fitch was ordered to choose and sell for the benefit of the colony. In 1680 he did this, disposing of the same to three Tracys and Richard Bushnell for £40. Oweneco gave Fitch land for a farm at Peagscomsueck (later Canterbury) on the Quinebaug River, and at the same time made over to him his entire right and title. In 1684 the deed was drawn up, giving him the whole of what is now Windham county, except Joshua's tract and a strip of land east of the Quinebaug. Thus one man "of great business shrewdness and capacity" came into possession of an area that was to cover six full sized townships. To Massachusetts Fitch sold his first installment.

The people of Roxbury in Massachusetts had become too numerous for their bounds and needed an enlargement of territory. The matter was taken up by the town and the Massachusetts General Court gave it liberty to purchase a section seven miles square in the Nipmuck country, provided they settled within three years, could provide thirty families, called a minister, and gave those owning land there already first choice of land in the new town. Committees were sent to view the tract and after some parleying the tract was purchased of James Fitch and a deed secured. The Connecticut General Court had no part in the transaction. Roxbury relieved the "goers" of rates, provided they were paid in the new town and several men went ahead to prepare shelter for those that were to follow, who hesitated because of Indian attacks and the wild nature of the country. In the summer of

1686 the last of the "goers" arrived and held their first meeting on August 25 of that year. There were forty signers to the plantation agreement, many of whom were young men with growing families, of an average age of thirty years. In 1690 the General Court of Massachusetts conferred town privileges upon the plantation and gave it the name of Woodstock, it having been known as New Roxbury.

Windham was a bequest of Joshua to sixteen men of Norwich. In 1678 the General Court of Connecticut admitted Joshua's will to probate and a committee from among the legatees was ordered to survey and run the bounds. Among them were many men whose names are associated with large land deals—Captain John Mason, Samuel Mason, Daniel Mason, the Rev. James Fitch, Captain James Fitch, Thomas Tracy, Thomas Leffingwell, and others. In 1682 these legatees met and agreed to erect a plantation within four years, lots in which were to be sold to "wholesome inhabitants." Lots were to be drawn entitling the purchaser to a homelot, upland, and meadow. There were to be forty-five proprietary shares in all, each containing 1,000 acres, thus giving each legatee 3,000 acres to use or to sell. Most of them preferred to sell, only a few improving their lands through their sons. The first settler arrived in 1686.

It required no little courage to go out to such a settlement as this, in the unbroken country, and to take a wife and children also. One of the young Backus brothers, a legatee, speaks of "removing to that nameless town springing up in the wilderness, ten miles northwest of Norwich." And the locality, eventually named Windham from Wymondham in Norfolk, England, enjoyed unusual advantages. Its lands were cheap and accessible, the Indian neighbors were friendly, there was a good water

supply and few dangerous animals, and Norwich as a source of provisions was not far away. When the time came to ask the privileges of a town, the General Court hesitated whether to give its sanction to a transaction of so manifestly speculative a character, but finally yielded and gave its consent, and in 1692 ordered the town to be called Windham. Another locality was settled at about the same time, four miles away at Ponde-place or -town, with a dangerous river, the Shetucket, between. This was not of very great consequence as long as Sabbath day worship could be held in each place in turn, but it became a source of heated controversy when the question of a permanent meetinghouse arose. The knot was cut by Windham's allowing Ponde-town to be a separate ecclesiastical society as soon as it could support a half-time minister, and an arrangement was entered into whereby each was to have a meetinghouse and to meet alternate Sundays to hear the same man preach. In 1701 Ponde-place became an entirely distinct society and the following year the General Court separated it from Windham and granted it full privileges under the name Mansfield, after Major Moses Mansfield, one of its largest proprietors.

A third town settled within the limits of Windham county was Plainfield on the east side of the Quinebaug River. Fitch had chosen a very fertile spot a little to the south of this, for the 600 acres that Oweneco had forfeited to Connecticut in 1679. This land was sold to the Tracys and Richard Bushnell of Norwich. Oweneco had given to Fitch Peagscomsueck, but the title to the whole Quinebaug country was disputed by Fitz John and Wait Winthrop on the ground of an earlier Indian deed. In consequence, settlement was retarded, because there was no desire on the part of anyone to enter upon land that might be subject to litigation. In 1690 the Winthrops

asked the General Court to confirm their claim, for the benefit of a group of people who were about to settle a plantation there. As the Connecticut court ignored the petition, a number of Massachusetts men bought land of the Winthrops and started a plantation. Soon after this others from New London and Stonington came upon the scene, some buying of the Winthrops, others of Fitch and the Tracys. Disorder reigned. The proprietors set up no organization, made no highways, provided no defenses, and did little or nothing to improve their lands. Fitch was charged with having "neglectful tenants," and his adherents and those of the Winthrops were at open war with each other. But despite these disorders the plantations grew on both sides of the river, Plainfield and Canterbury that were to be.

Captain Fitch fixed his own dwelling on a point formed by a bend in the Quinebaug River, the first permanent habitation in what is now the township of Canterbury. As time went on he lost a good deal of his popularity. His extensive land operations made many people jealous of his power and suspicious of his methods. "Certain loyal and dutiful subjects of his Majesty" presented a remonstrance to the General Court, in which they complained of his large land deals and "engrossing of territory" and called him a "land pirate" and very "pernicious" to the best interests of the country. Others charged him with being as willing to sell to strangers as to people of Connecticut and some doubted the legality of some of his transactions. It was owing to a complaint that he had been guilty of an illegal entry of land that he removed to the Quinebaug in 1697. There at Peagscomsueck he built a large house, which often served as a stopping place for travellers going from Norwich to Woodstock. It was also a center for military plans, Indian councils, and land

sales. A road connected it with Windham on one side and Greenwich, Rhode Island, on the other.

As numbers increased on both sides of the Quinebaug, fifteen east siders and seven west siders sent in a petition for town privileges in 1699, with a special request for the settlement of the land claims. These petitions were both answered favorably and the place was called Plainfield. In 1701 the land committee, after looking over the ground, considering the evidence, and hearing the claims, met, probably at Fitch's house, and listened to the full case of each claimant, but did not arrive at any final decision. Nevertheless, the town went ahead and exercised the usual functions of choosing officers, levying rates, etc. A site for a meetinghouse was selected, but before it was complete the people on the west side asked to be made a separate society, because the river was deep, often swift and dangerous, and involved the risk of lives in the crossing. They were not on the best of terms with the east siders, who upheld the Winthrop claims, while those living adjacent to Fitch were in his favor. A committee chosen in 1702 to settle the differences wisely urged separation and the east siders, inhabitants of Plainfield, finally gave in. Relations improved after this, Plainfield settled a minister in 1703, and the west siders, confirmed in their status by the General Court, became a separate town by the name of Canterbury.

In spite of these improved conditions, population and town improvements moved slowly. In 1706 another committee was chosen to settle the Winthrop-Fitch dispute and decided that the Winthrop title was defective. But inasmuch as certain deeds, on which the Winthrops rested their claim, were probably genuine, the court made peace by giving to each of them 1,000 acres—one tract in Canterbury and one in Plainfield. Fitch objected very

strongly to this decision, insisting that it was an infringement upon the integrity of townships to allow any one man to possess so large an estate in fee simple, and claiming further that the grants covered land already deeded separately by Oweneco. But the committee's decision was upheld by the General Court.

In 1711 a highway was put through from Providence to Plainfield, thus binding the two colonies by an inland route, which greatly facilitated communication and increased commercial opportunities. As a result Plainfield and Canterbury began to recover from the deadening effects of the disputed land claims and Fitch was not seriously affected by the Court's refusal to uphold the entirety of his claim. It was said that in 1714 he still controlled all the best land in Canterbury and was himself the most serious obstacle in the way of rapid settlement. There were only ten independent proprietors in the town, although they made up in influence what they lacked in numbers. In order to prevent further quarreling, the court legalized all the acts of Canterbury from 1703 and, in order to make it possible for it to gather a church and pay a minister, freed the people from paying country rates.

Fitch now got into further trouble with the General Court, which on further investigation came to the conclusion that his title to land beyond Windham and Mansfield was none too good. In spite of this Fitch went ahead and sold the territory (later Ashford) to several persons who planned to erect a township there, but the court refused to confirm the act. Again when Fitch entered into arrangements for a town north of Tolland, Governor Saltonstall and his council cut him short, saying that the region was under the control of the colony and not open for settlement. Fitch replied to this order in a most dis-

respectful letter, asserting that the land was his and that the colony government was composed of "self-designing and self-seeking men." Correspondence ensued between Fitch and the court, in which the former apologized for his ill temper on the grounds of poor health.

Unlike Plainfield and Canterbury, Aspinock (Killingly) was entirely free from conflicting land claims, for the territory beyond the Quinebaug River and north of Plainfield was the undisputed property of the colony. It was a poor region, covered with rough hills, intervening marshes, and sand flats, remote from the line of travel and an unfavorable place for a settlement. Nevertheless it was a place that Connecticut felt free to dispose of to her public servants and, like the region around New London, Durham, and Ridgefield, to be used to reward her civil and military officers. As early as 1652 she had begun to grant lands in the Pequot country and in the following years had honored with allotments Treat, Saltonstall, Fitch, Hooker, and a score of others, a majority of whom received their lands about 1680. Fitch and Captain Chandler of Woodstock, who had bought one of the soldier grants, were the first to take up their lands, consisting of 1,500 acres in the one case and 200 acres in the other. The first white settler, Richard Evans, came as a squatter in 1693. Then four inhabitants of Woodstock, attracted by the large quantities of turpentine to be gathered from the pine trees, bought land, and afterwards others, young men full of life and energy, penetrated the territory. Roads were cut through from Woodstock and from Aspinock to Providence, and plans for a bridge over the swift running Quinebaug were set on foot but not consummated for twenty years. Even then bridge after bridge was washed away and had to be rebuilt. The need of a town organization was soon felt, as the land records

were widely scattered, wherever the owners had happened to enter their titles—either in Plainfield, Canterbury, or even Hartford—and many had been lost. There are no records of any kind for Killingly during the first twenty years. Considering the disadvantages of its location the place grew rapidly and in 1709 was incorporated as a town and named Killingly, from the manor of Killingly near Pontefract in Yorkshire, owned by the Saltonstall family. The name Pomfret, the shortened form of Pontefract, came from the same source.

Pomfret or Mashamoquet was included in the Wabbaquasset country and so came into Captain Fitch's possession in 1684. In 1686 six men from Roxbury, representing six others, bought 15,100 acres in this region for £30, on condition that they would select their tract within three years and add to the twelve shares of the grantees two more for Fitch and his heirs, so that the whole number would be fourteen shares for fourteen grantees, among whom the whole tract was to be divided equally by lot. The purchase was laid out during the summer and was known as the Mashamoquet or Roxbury purchase. It was confirmed at once by the General Court of Connecticut, which on July 8, 1686, issued a patent for the "new plantation." Its bounds comprised the present town of Pomfret and the north part of Brooklyn or Brookline (not from the Dutch Breuckelen at the western end of Long Island). In the same year Fitch sold 5,750 acres to Captain John Blackwell, a Puritan officer under Cromwell, who had come to New England in 1684, was influential during Dudley's presidency, and was complained of by Edward Randolph for his land-grabbing propensities. He was afterward lieutenant-governor of Pennsylvania from 1688 to 1690. He had been commissioned by some of the English and Irish dissenters to look around and see if they

would be welcome in America and could obtain land there. He had received an eight mile grant for a township in Massachusetts, but apparently not satisfied with it he had purchased land of Fitch and applied to the General Court of Connecticut to give him a patent for a township in that colony. This the court did and called the place Mortlake, in memory of the village of Mortlake in Surrey, the residence of Blackwell's father-in-law, General Lambert.

Nothing was done about the Roxbury purchase until in 1693 one half of the land was laid out for buyers and the other half divided equally among the grantees. In 1696 Benjamin Sabin built a house for himself and served as a frontiersman against Indian attacks, warning the towns of possible danger, for which both Massachusetts and Connecticut requited him with gifts of money. Other settlers joined him, but they came slowly at first. Mashamoquet had good soil and many of its hills were already cleared by nature, while the near neighborhood of Woodstock was an encouragement to the timid and a support to the able-bodied. As soon as the Indian menace decreased people came in greater numbers and by 1708 were ready to forward their lists to the General Court. Military organization was perfected by 1710 and three years later the inhabitants sent delegates to Roxbury to ask the non-resident proprietors, who had not yet disposed of all the lands of the township, if they approved of the plan of having the plantation made a town. The answer was favorable and in 1713 the General Court of Connecticut granted them town privileges under the usual condition. The name selected was Pomfret.

With the course of events in England Mortlake as a refuge for Irish dissenters lost its purpose, for the Revolution of 1688-1689 and the Act of Toleration brought reli-

gious peace to the Irish, recalled Blackwell to England, and left Mortlake once more a wilderness. The manor, a tract of 6,000 acres, with but four families of white people living in a clearing, was left to Blackwell's son, who sold it to Jonathan Belcher, Blackwell's attorney and later a governor, first of Massachusetts, and afterward of New Jersey. Belcher ordered John Chandler to lay out the land for him, to prepare two large farms, known as the manors of Wiltshire and Kingswood, to construct a highway north and south leading to Woodstock, and to sell off what lands he could. All this Chandler did, leaving a space adjoining Kingswood for a training field and 1,200 acres to be disposed of in the future. Mortlake's position was anomalous, for it was neither a plantation in the usual sense, a parish, a manor, nor even a town. It never had town officials or a town government. The General Court had given it leave to be a separate township and this permission Belcher construed literally and kept his tract entirely independent of town or colony control. Many years later the court, finally refusing to give it a patent of incorporation, annexed it in part to Pomfret and in part to Brooklyn. Belcher, who had been unsuccessful in his efforts to dominate the region and in constant conflict with the Pomfret authorities, sold out in 1739 a part of the manor of Wiltshire to Israel Putnam, who was living at that time in Mortlake, and the remaining part with Kingswood to Colonel Godfrey Malbone, whose son, a loyalist and an Anglican, and the richest merchant in Newport, Rhode Island, suffered reverses in later years and, inheriting his father's farm and stock, took up his abode in that part of Mortlake which had been annexed to the town of Brooklyn. There he caused to be erected an Anglican church, the first and for long the only one in northeastern Connecticut.

This discussion of Mortlake, one of the most interesting of Connecticut's areas of settlement, leads naturally to a consideration of some of the other peculiar beginnings of habitation, which do not fall entirely under the definition of town or parish, though in origin bearing a resemblance to other Connecticut towns. The cases of Groton and Glastonbury and their long existence as parishes or societies before reaching the status of towns have already been cited. Between 1635 and 1760 there were one hundred and seventy ecclesiastical societies formed in Connecticut, of which sixty-seven eventually attained the dignity of incorporated towns. Of the rest many, being within a town and known by a variety of local denominations, never received political recognition. On the other hand, some, such as Meriden, South Norwalk, Norwich Port or City, and the like, are today fair sized cities, while their parent communities are comparatively insignificant. The causes for such changes are, of course, to be found in the rise of manufacturing in the nineteenth century, the growth of the railroad, and the convenience of location at the head of navigation.

There were several steps between separation from the mother church society and the attainment of full ecclesiastical estate. It was a rule of the General Court that no society should assume independent church status without leave from the court itself. After a distant quarter, village, or petty plantation had obtained permission both from the town within which it was located and from the General Court, or if lying outside a township and unconnected with any ecclesiastical society from the court only, it was required to call a minister for trial, who need not always be a fully ordained clergyman. He was "listened to" for a few weeks or a few months by the congregation which had to include the voting members, who after 1728

were all male communicants, possessing fifty shilling freeholds within the society's bounds and £40 rating in the common list. These members would by majority vote decide whether or not to issue a call. A favorable decision was usually accompanied by a vote to tax unimproved land or non-resident proprietors for the minister's support, if the General Court agreed. Plans were also set on foot for building a house for the minister on land set apart for the purpose, and references of approval were obtained from one of the consociations, which, after 1708 and the adoption of the Saybrook platform, were provided for groups of churches, one or more in each county, to help upon all occasions ecclesiastical. The minister, if approved and recommended, was then "called," that is, asked to come, and definite agreements as to salary and housing were entered into. The court generally granted the town for a time freedom from country rates that the money might be spent in settling the minister.

The location of a meetinghouse caused so much quarreling and ill feeling that the court generally ordered the location to be decided by a competent and impartial committee of its own appointment or later of the county court. This committee was selected when the society was ready to build and the clerk of the society was ordered to keep the General Court or the county court informed of its progress. Any delay had to be explained by the building committee. In this way the colony kept a close watch on the religious welfare of its parishes.

Of the parishes which did not become towns before 1760 there are four that are distinguished for certain peculiarities, of interest in studying the progress of settlement. These are Meriden, East Haven, Stratfield, and Redding.

We do not know just when the road from Hartford and Wethersfield to New Haven was built. Roger Ludlow probably used a rough road or bridle path when he went down by way of New Haven to view Fairfield. In 1660 there is record of a man on the road being forced to spend the night between Hartford and New Haven and in 1666 Edward Higley was given two years' freedom from public taxes to keep the road clear at Pilgrims Harbor, the name of a place near Meriden, and the evidence shows that the road was rough and dangerous and so poorly marked that encroachments upon it were frequent and had to be dealt with by the court. In 1661, 350 acres were given to Jonathan Gilbert as recompense for keeping an ordinary at Cold Spring (Meriden) for the benefit of travellers, as it was the halfway house, being seventeen miles from each end, and similar compensation was granted to others at various times. In 1686 Gilbert's heirs sold his farm, amounting to 1,000 acres, to Andrew Belcher, the father of Jonathan Belcher, who had married Sarah Gilbert, and Belcher put up buildings and other accommodations for travellers, built a wall around the farm, and called it a "manor." In 1707 Andrew deeded all his property to Jonathan who thus became the lord of three "manors," two at Mortlake and the other at Meriden, and as he could not live there himself he rented the latter, as a manor, tavern, and farm in one, to Eleazer Aspinwall. But the venture was not a success, the rent fell behind, and by 1731 Belcher was trying to get rid of his Meriden properties. He was widely interested in mines and real estate in various places and these many promotions were proving highly speculative and largely unsuccessful. He finally deeded the manor to his son Andrew, who in turn sold it in 1742 in part to Wallingford men and in part to Middletown men. While thus the Belchers were strug-

gling with their "manor," settlers were coming into the territory, which was now entered as the north society in the Wallingford list of estates and by 1728 was given the distinctive name of Meriden, probably from Meriden or Miriden, a little village near Coventry, England, from which Belcher's family had originally come. Thus in Meriden's case we pass from manor and farm to parish before entering the status of a town, a status that Meriden did not reach until 1806.

The society of East Haven grew up around the "iron works," which was started there in 1655 and gave to Lake Saltonstall its first name "Furnace Pond." There were also several residents there who had received their grants of land from New Haven as early as 1640, and the place came to be known as the "Iron Works Village" or East Side. Its history shows no unusual features down to 1706 when it sent in a petition to the General Court, saying that in 1680 New Haven had granted parish privileges and that enough had been accomplished to warrant its recognition as a separate town, "the better to carry on God's work and town affairs and avoid further inconveniences," a phrase that had reference to certain disputes with New Haven. The court in reply "do see cause to order that they shall be a village distinct from the township of New Haven and invested and privileged with all the immunities and privileges that are proper and necessary for a village for the upholding of the publick worship of God, as also their civil concerns, and in order thereunto do grant them libertie of all such officers as are proper and necessary for a town, and to be chosen by themselves in order and form as allowed by law for each or any town." This curious incorporation of a village with many of the attributes of a town is the only case of the kind in Connecticut, where the incorporation of a place as a village

preceded its incorporation as a town. The villages of Litchfield and Wethersfield were merely incorporated parts or centers of their respective towns, one in 1818 and the other in 1822, much as the cities and boroughs of Connecticut were at first territorially smaller than the towns within which they were situated. The village of Litchfield was changed into a borough in 1879 and that of Wethersfield evidently died still born. When in 1710 the General Court was called upon to explain wherein an incorporated village differed from an incorporated town it replied that the village had nothing to say about "property of lands" and had no right to send deputies to the General Court, both of which functions still lay within the powers of the town of New Haven. East Haven was not incorporated as a town until 1785.

West of Stratford and east of Fairfield there lay a fertile, loamy plain of about a mile and a half in width, cut by the Pequonnock River. This is the site of the present Bridgeport. The settlers who had come to Fairfield and Stratford had been attracted to the plain and the country back of it, because of its freedom from the dense woods of other regions and its immediate availability as arable. Several families had gone there at the same time that Stratford was settled and had sufficiently increased by 1678 as to ask the court for leave to set up their own school. There were forty-seven children of school age in the plantation and the distance to Fairfield or Stratford was considered too far for them to walk. In 1690 a separate society was allowed to be known as Fairfield village, because most of the people lived on the Fairfield side of the Pequonnock. Four years later a church estate was approved, and the name was changed to Stratfield in 1732, which, as was the case with a number of other names of Connecticut places (Wintonbury—modern Bloomfield—

Harwinton, Hadlyme, and Winsted), was a composite of parts of the names of the mother towns.

Stratfield is peculiar in that special liberties had been granted in 1699. It was customary to allow all societies or parishes to meet and have a recorder as a matter of routine, and this privilege had been given Stratfield in 1690. Nine years later the society was authorized to choose two or three persons annually to order meetings, levy the minister's rate, and look after all the needful concerns of a meetinghouse, to collect the rates and distrain for non-payment. As this was the first parish in Connecticut to become entirely independent of a parent stock, it was necessary to define its powers carefully. This was done in 1717, when in an elaborate order based on a committee's report the organization of a parish was based on pretty much the same principles as those which governed the formation of a town. Those ordering the affairs of the parish and the clerk and secretary were to be chosen at an annual meeting by the major vote of the inhabitants, just as the town officers were chosen, while the machinery for gathering the church and school rates was exactly similar to that employed in gathering the town rate. Stratfield was never more than a parish, until in 1800 it was incorporated as a borough, the first in the state, under the name of Bridgeport, a town in 1821, and a city in 1836.

There was a "gusset" of land surrounded by Fairfield, Norwalk, Newtown, Danbury, and Ridgefield, a part of which belonged to the town of Fairfield and was occupied before 1680 by the Pototuck Indians and a few scattered Mohawks, of whom Chicken or Chickens was the chief sagamore. The first grant in this oblong was in 1687 to Cyprian Nichols for 200 acres. Two other grants of 200 acres each were purchased by John Read of Boston and laid out in 1714 as Lonetown manor. Two years before

this the General Court had ordered that all lands not taken up in this tract by actual settlers be sold at public vendue at the Fairfield meetinghouse, but no sale was made until 1723 when without fair warning the committee appointed by the court sold the land, most of it being bought by Samuel Couch and by Nathan Gold of the committee. Testimony showed that only ten minutes were allowed for the bidding and tenders were so brisk that the sales were hard to record.

John Read was a Connecticut man, born in 1680, who had married a sister of Governor Joseph Talcott. In 1712 he was appointed queen's attorney for the colony, and in later years in Massachusetts attained to great distinction as one of the ablest if not the ablest lawyer in New England. He had also a keen sense of humor, as when he drew up a patent of enfeoffment, couched in formal legal phraseology, of his Lonetown manor, with Chicken as the lord of the manor and himself the holder of the tenancy. He now complained of this forced sale, as involving land that belonged to others and as making no provision for a village plat or for highways. Read had had a great deal of trouble in connection with land sales in Connecticut. In a petition of 1710 he said that he had been to court sixteen times and "utterly discouraged and broken" he had found (at the age of thirty) that he was not able to maintain suits forever, that Indian titles were held in the utmost contempt, and that as the times were he must fall. "These things," he added, "make me weary of the world." In 1722 he removed to Boston, became attorney-general of Massachusetts and was one of the council during Shirley's administration. He died in February, 1749.

Nothing was done about the oblong, after Read's departure, until in 1725 the sixteen proprietors who were settled on the tract petitioned the General Court praying

relief. Again Read, now in Boston, petitioned on behalf of himself and the rest of the inhabitants of Lonetown that the place be erected into a parish, and this time the court granted the request. "Lonetown, Chestnut Ridge and the peculiar thereof" were made a parish by themselves, under the name Reading, a name which was altered to Redding, when in 1767 a town charter was applied for, because, as local tradition asserts, Colonel Read had become so unpopular that the people asked that the name be not Reading but Redding. There is probably no truth in the tradition. From 1729 on the proprietors were able to organize the scattered inhabitants in more orderly fashion and to prepare them for independent town life. Redding was one of the first tracts of land to be sold at public vendue or auction and so to be the forerunner of the group of western and northwestern towns that were sold by that method in 1733 and later.

The settlement of Lebanon (1700), Colchester (1703), Hebron (1707), and Coventry (1711), involved a group of real estate transactions that date back at least to 1663. These transactions were accompanied by claims and disputes and counterclaims and counter disputes that at times became acrimonious and greatly retarded plantation, but furnish nothing that is new in the way of variety of method or in the results accomplished. Tolland reverted to an earlier type of group settlement, and had its origin in the petition of fifty-four Windsor people, "straightened in their circumstances and without enough land to make a livelihood," who had seen good lands on the other side of the river. After some delay the General Court promised to grant a six-mile township, occupation followed, and the plantation life developed until in 1715 the place was ready for township privileges. In 1722 the inhabitants were authorized "to imbody into church es-

tate with the approbation of the neighbouring churches, and to settle an orthodox minister amongst them."

The last section of ungranted land in that region, the site of the township of Bolton was taken in hand by the colony, as its property, and laid off into fifty allotments of 200 acres each, which were put on sale for the benefit of "honest and well minded inhabitants." Settlers came rapidly and by 1719 forty-five people were there, and others, non-resident, had rights in the township, which was seven miles square. They applied for town privileges in that year, which were granted, with the restriction that they were to have no power to dispose of any land within the township, all that remained unsold being retained in the control of the colony. They were raised to church estate in 1725. Ashford went through grievous times before a peaceful settlement was attained. The land was not very valuable, being rocky and wooded, but the position of the place, on the road between Boston and Hartford (via Pomfret, Mansfield, and Bolton) gave it a certain advantage. Ownership of the land involved a number of transactions, in which Fitch, Chandler, James Corbin of Woodstock, and others were concerned. The place was first called New Scituate, but titles were so uncertain and bounds so unreliable that the General Court stepped in and settled what promised to be endless confusion in the matter of ownership and overlapping claims. The settlement became a town in 1714 under the name of Ashford.

Regarding the settlement of Killingly we have very little information. The land was sold by the colony in 1720 to certain men of Fairfield, Derby, Milford, Windsor, and Hartford for £510. They sold to others. Settlers from various parts of Connecticut and Massachusetts flocked in and took up lands in a very helter-skelter fashion. The locality was made a town in 1717 and church estate was

granted the next year. New Fairfield was granted by the General Court to eleven men of old Fairfield in 1707, and to these were added later a number of "associates and copartners." After a series of parleys with the court over proprietary rights and privileges, in the course of which a reservation was specially made for the Indian Chicken, of whom John Read once "held his manor," and the protest listened to of the actual settlers, who thought so large a tract (35,840 acres) should not be in the hands of a few men for sale, a decision was reached to appoint an investigating committee to straighten things out. This was done to the sorrow of many claimants, but the court refused to alter the committee's report. In 1740 New Fairfield, with but thirty resident families, was granted the status of a town. Stafford arose in this wise. Throughout the early period of land granting the General Court followed the policy of giving the land freely to any suitable person or persons who applied for it, all expenses involved to be met by the grantee. But later the court conceived the idea of selling its ungranted lands for revenue to meet certain special emergencies. In 1717 money was wanted for a new state house and other purposes, particularly the encouragement of Yale College. At first it was decided to sell lands along the frontier of Rhode Island (Voluntown) but the next year other lands were substituted, next the Massachusetts line, where was established the town of Stafford, north of Voluntown and west of the Housatonic River. Stafford became a town in 1719, after a long and involved controversy, in which "ill humor and private grudges" were exploited and charges were raised of "engrossing the undisposed lands under pretence of mere native right—the bane and ruin of our ancient order." Settlers came fast and a church estate was allowed in 1723.

The circumstances attending the settlement of Union

illustrate, as do those of Stafford, the determination of the General Court to make a profit out of its own lands. The running of the Massachusetts line in 1713 threw this area within the jurisdiction of the colony, and the latter sold its rights to a committee of its own, who in turn conveyed them to a company of Scotch-Irish. The settlement became a town in 1734. It is thought to have been the only Scotch-Irish settlement in Connecticut, but there was another one in the parish of Scantic in East Windsor.

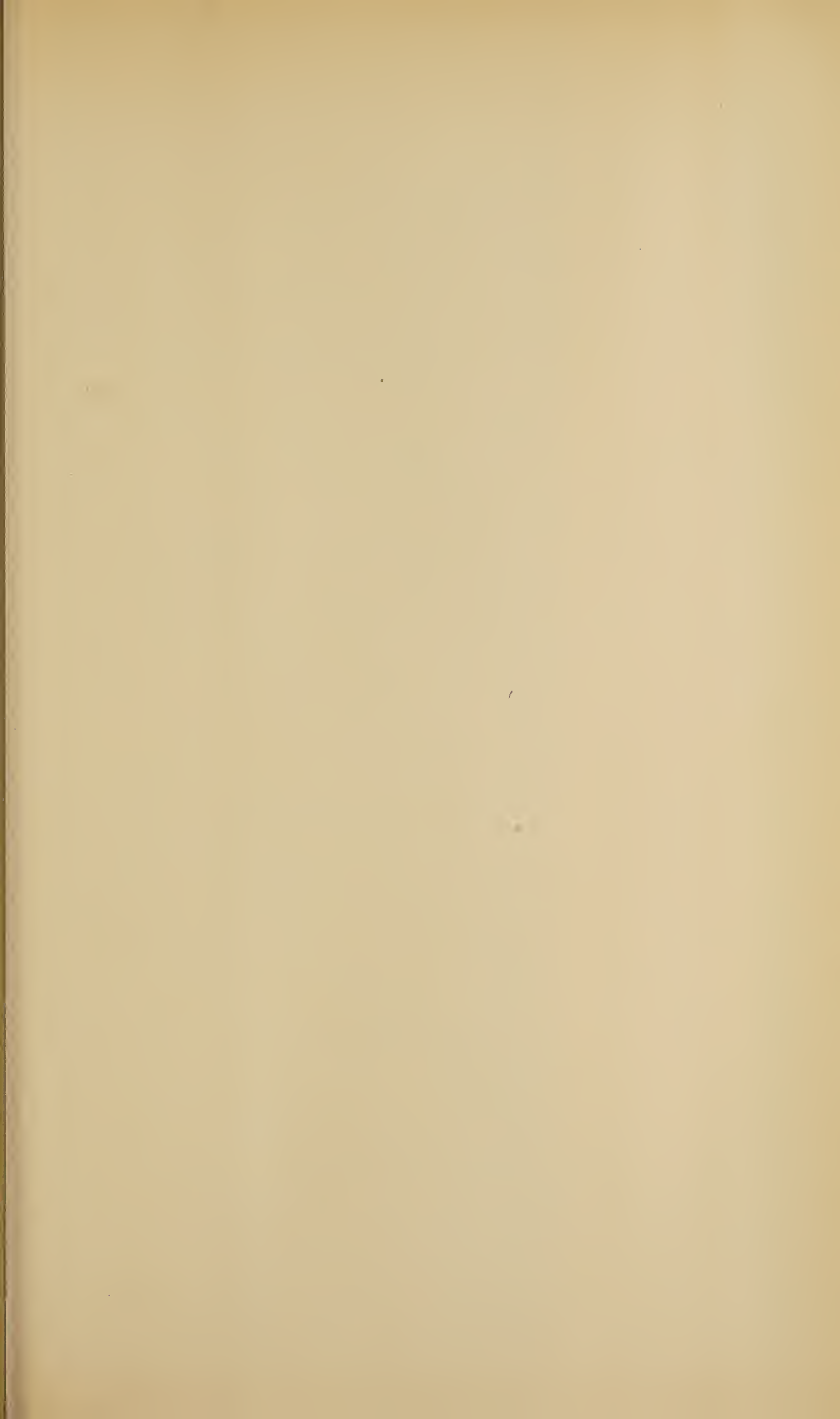
In 1696 Lieutenant Thomas Leffingwell and Sergeant John Frink of Stonington requested the General Court to make a grant of a township, six miles square, for themselves and other volunteers in the Narragansett War of 1675, to be taken up in some of the conquered land. After a committee had viewed the area selected, the court made a grant of the township of Voluntown. In 1701 the committee made out a list of 160 volunteers, residents of Norwich, Stonington, Plainfield, Windham, and New London and four years later laid out 150 lots of equal size (some receiving but half a lot). Very few of the volunteers ever took up their land. A large strip was sold to Thomas Brewster for £130, but most of the lots brought but £5 to £12 each. The first actual settlers came in 1708, but the ground proved poor and the country barren and men found better land to the north. Boundary disputes with Rhode Island, which were not ended until 1727, hindered settlement, and in 1718 the settlers, unable to support a minister, asked for a reorganization and enlargement of their grant. This was effected and the town was incorporated in 1719.

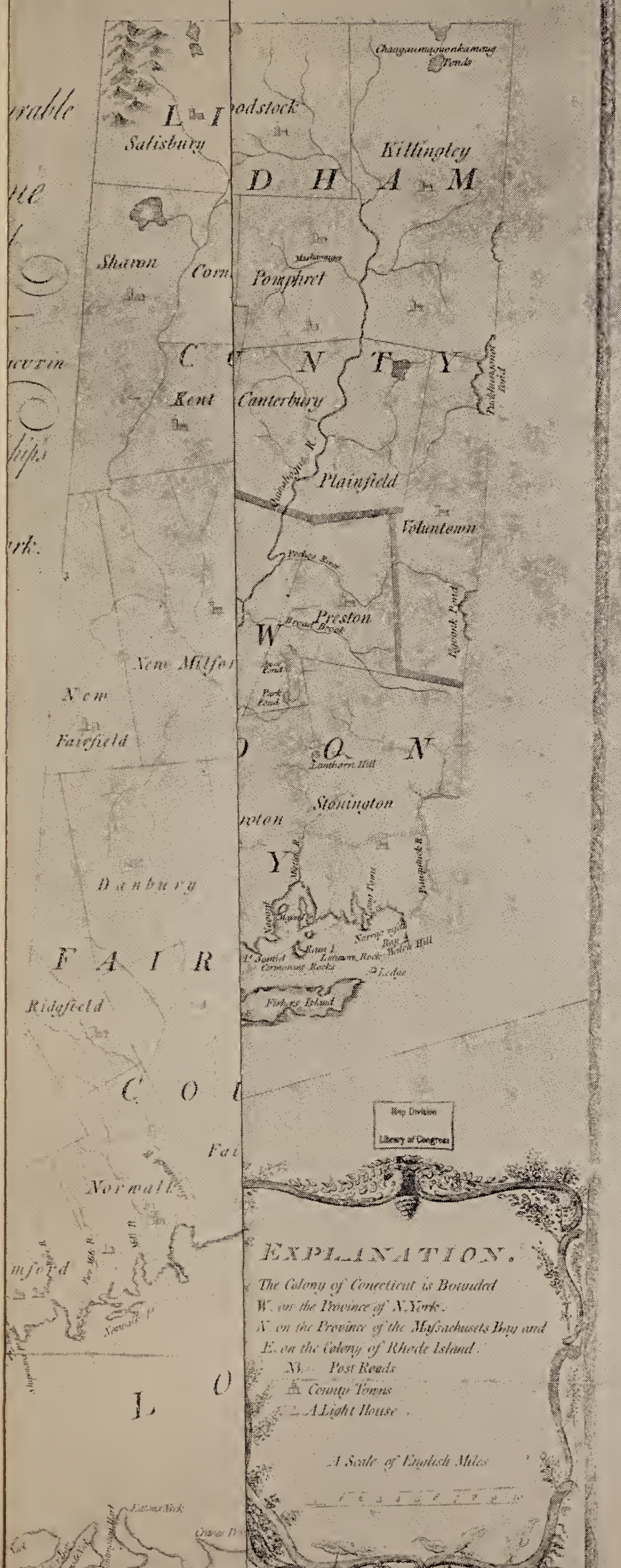
The problem of dividing up the area of Connecticut for settlement and the maintenance of its inhabitants, establishing and confirming titles, settling boundaries, and securing men in possession of what they have acquired is

one of the most important of the problems that have concerned the history of the state, particularly in the colonial period. This was peculiarly true of Connecticut because of its essentially agricultural character. The problem was an abiding one as long as land remained ungranted either in the towns or in the colony, and that was nearly down to the time of the Revolution. In this distribution of the soil a constant process of adjustment was taking place. Surveying instruments were imperfect, ancient boundary marks and merestones were constantly getting lost—rotted, washed away, or burnt—lands had to be surveyed and resurveyed, perambulations run, and the meanings of deeds and patents determined. Public controversies were common, but private controversies seemed to drag their slow length along interminably, with “many hard words and bad speeches,” until the county court records disclose little else than litigation regarding lands, fences, bounds, highways, and conflicting ground claims. Dissatisfaction with divisions, shares, proprietary rights, common and undivided lands, came frequently before the General Court; complaints of absentee proprietors, land “pirates,” engrossers, and monopolists filled the air; and while Connecticut’s life flowed smoothly on the surface, it was in a constant state of agitation beneath, in the effort to fit together into a harmonious whole these thousands of pieces of landed territory and to satisfy, justly and equably, the claims and demands of rival and warring parties. A study of the conditions and circumstances under which the towns of Connecticut were settled offers a rare opportunity to understand the kind of people who composed the colony and to obtain an insight into their relations with each other.

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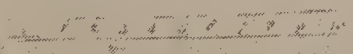


EXPLANATION.

The Colony of Connecticut is Bounded
W. on the Province of N. York.
N. on the Province of the Massachusetts Bay and
E. on the Colony of Rhode Island.

- M. Post Roads
- County Towns
- A Light House

A Scale of English Miles





To the Right Honourable
THE
Earl of Shelburne
 His Majesty's Principal
 SECRETARY of STATE
 for the Southern Department
 This PLAN of the COLONY of CONNECTICUT
NORTH AMERICA
 Is Humbly Dedicated by his Lordship's
 Most Obedient Humble
 Servt. *Moses Park.*
 Nov. 24 1700.

Map Division
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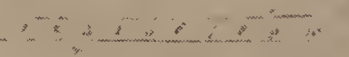


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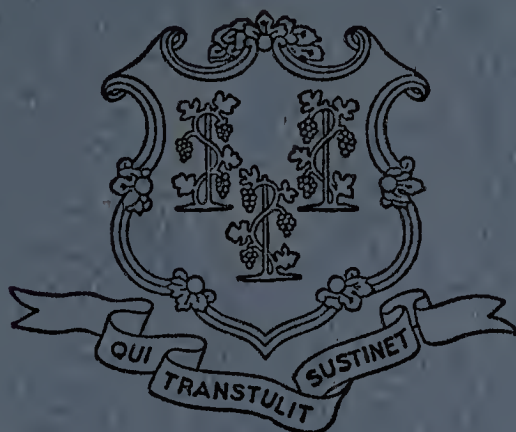


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COMMITTEE ON
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Settlement of Litchfield County

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TERCENTENARY COMMISSION OF THE STATE OF CONNECTICUT

COMMITTEE ON HISTORICAL PUBLICATIONS

Settlement of Litchfield County

DOROTHY DEMING

IN 1719 Lieutenant Marsh of Hartford and Deacon John Buell of Lebanon, with many others, fifty-seven in number, petitioned the assembly for permission to settle a town, under committees appointed by the towns of Hartford and Windsor, at a place called Bantam in the western part of the colony. The assembly granted the petition and the town of Litchfield was begun, with the same powers and privileges that other towns in the colony enjoyed. This grant opened the question of the ownership of the whole area now included within the bounds of Litchfield County, commonly known as the "western lands," and the assembly took the territory into its own hands, prohibiting further settlement within its bounds. Rumors that sections were being located without permission led to the appointment of a committee to investigate and report any evidences of occupation, with the threat that all occupiers would be considered squatters and would be prosecuted in legal form by the king's attorney. The committee found plans for settlement under way, but in so obscure and secret a manner as to defy exact information.

This report thoroughly aroused the assembly and brought the plans of the promoters into the open. Seven agents from Hartford and Windsor begged for a patent, claiming title by grant and Indian purchase, and expressing the hope that the assembly would not make them "a peculiar instance of [its] displeasure" but would rescind its decision to prevent settlement, which was causing uneasiness among the inhabitants and arousing bad feelings against the government. They believed that the gentlemen of the assembly were their "political fathers" and would surely not be found wanting in their care for their children. In answer the assembly appointed committees from each house to meet the agents and to come, if possible, to an amicable settlement of the western land question.

In 1724 the committees reached a compromise. Finding that a patent issued in 1687, at the time of the Andros administration, was still valid and gave to the towns a legal claim to all the land west of the Housatonic River, they made a division of the territory. They decided that the colony should dispose of all lands west of Litchfield and west of a line running north to the Massachusetts boundary from the northwest corner of Litchfield township, and that Hartford and Windsor should dispose of all land east of that line. When it was found that this arrangement gave more than half the territory to the towns a new allotment was made. In 1726 the line running north was moved east to a point four miles west of the Naugatuck, where it is today. The bounds of Simsbury and New Milford were resurveyed and an exact chart made of the territory, which did not include either New Milford or Litchfield.

From the petitions that were presented to the assembly before the division was made, and from the quick action

of Hartford and Windsor in arranging for the settlement, it would appear that there were many people in those towns who were eager to move into this western country. Therefore an immediate division was made of the eastern part between Hartford and Windsor. Joint committees and surveyors from these towns assigned each its share, giving to Hartford 70,662 acres and to Windsor 69,214 acres. Seven townships were planned; Hartford was to control New Hartford, Winchester, Hartland, and the eastern half of Harwinton; Windsor was to control Colebrook, Barkhamsted, Torrington, and the western half of Harwinton. When this had been done and the plan was complete, the agents turned over the territory to the proprietors; that is, to all the inhabitants of Hartford and Windsor whose names appeared on the tax lists of 1720—405 for Hartford, and 377 for Windsor. These proprietors were then given permission by the assembly to meet and to arrange whereby each taxpayer should become the owner of an undivided share in one of the new townships, in proportion to his rateable estate, approximately three acres to the pound.

Harwinton was the first town to be started. There were three reasons for this: its proximity to Hartford and Windsor; the existence of a cleared road running through it from the river towns to Litchfield; and the fact that both towns had a share in its development. One early settler, David Messenger, was soon followed in 1734-1736, by many others, most of whom were proprietors—fifty-four from Hartford and forty-one from Windsor. Later a few settlers came from Simsbury, Guilford, Wallingford, Branford, and Southold. In 1736 Harwinton—the name is a composite from parts of the names Hartford, Windsor, and Farmington—was incorporated with full town privileges.

New Hartford was settled contemporaneously with Harwinton. Settlers came in 1734 and the town was incorporated in 1738. At least thirty of those who founded the town were either proprietors or the younger sons of proprietors.

The land labelled Torrington in the plans possessed several advantages, which brought settlers early into the territory. It had the protection of New Hartford, Litchfield, and Goshen on three sides, included the Naugatuck River which divided within its boundaries, and contained a valuable pine swamp which lay between the forks. The road from Hartford or Windsor to Litchfield could be used as far as the Naugatuck, where the valley led directly into the heart of the township. The original list of proprietors numbered 136, with a rateable estate of £6431, but not all took up their lands. Sixty deeds were recorded in Windsor before any settlers had arrived. Settlement was finally effected in 1735-1736; by 1739 twenty-eight families were in residence, and the following year town privileges were allowed. Supplies came in part from Windsor, but in larger part, particularly of small necessities, from Litchfield.

The four remaining towns, Barkhamsted, Hartland, Winchester, and Colebrook, were much slower in getting under way, owing partly to their remoteness and partly to the fact that most of the restless inhabitants of the river towns had already had their land needs satisfied. A meeting of the Barkhamsted proprietors was held in 1732, but settlement was not begun until 1746. The region had been used for supplying timber, which was floated down the Farmington River, and so had been fairly stripped of its forest growth, its one form of wealth, before the settlers arrived. For this reason the population increased very slowly.

While thus Hartford and Windsor were disposing of the seven towns east and northeast of Litchfield, the colony was struggling with the problem of organizing the great tract of country extending westward to the New York line. Just as soon as the agreement was reached with Hartford and Windsor, petitions began to pour in from all over the colony asking for land in the new area. Practically all of these petitions came from groups of people in the various towns. Between 1723 and 1743 sixteen requests for the erection of new townships were recorded, representing the activities of 775 men, and as each township usually accommodated fifty families in its first division, it will be readily seen that the assembly was justified in starting new towns as soon as it could, for good land was growing scarce in the colony. The petitioners offered their aid in defense, pledged themselves to build up a Christian community, and to conform to reasonable conditions of settlement. Some of them promised to improve ten acres, to put up a tenantable house, to settle within two or four years, to reserve lots for the ministry and for a school, and to pay £25-30 for a right. They offered to lay out a town in fifty shares and to carry out, if possible, an orderly settlement by Connecticut inhabitants. Such settlement, they believed, would extend trade and commerce, increase staple products, and protect the colony. Some of them expressed their intention, should their petitions be rejected, of leaving the colony and going elsewhere, though greatly regretting the necessity of doing so, as such a course would be hard for those of long standing in the older communities. In a few cases the prices offered went as high as £40 a share, a striking testimony to the land situation in Connecticut toward the middle of the eighteenth century. So eager were the petitioners to obtain allotments that all, with-

out exception, promised to agree to whatever regulations the assembly might see fit to impose.

The desire for new land was widespread. Many of the petitioners expressly state that the need of fresh land was their object in moving, and their petitions disclose the presence in the older communities of many young and energetic men who were ready to face the hardships of frontier life. These petitions represented nineteen towns, as well as a special delegation from Windham County, the towns including such widely scattered localities as Fairfield, New Haven, New London, Windham, and Windsor. The most popular territory sought was just north and west of Litchfield. Eleven petitions relate to that region, with one for Sharon, one for Kent, and three for Canaan. In addition to these requests from groups of people who wished to settle a whole town, there were others from individuals, who asked for grants west of the Housatonic River, to the number of at least twelve in the years from 1728 to 1738. Thus encouraged by the popular demand and spurred on by the necessities of the landed situation in the colony, the assembly set about the organization of the new frontier to the west.

According to the report made by a committee of the assembly in 1731, there was room for five towns east of the Housatonic River and two west, allowing about seven miles square to a township. As the land west of the river was less abundant and rougher in surface than that on the eastern side, a special committee was appointed to report on the possibilities of this arrangement. The report was favorable, though it called attention to the fact that Kent, through which the Housatonic River flowed, would be scantier in dimension than the rest. The towns eventually laid out were Salisbury, Canaan, Norfolk, Goshen, Cornwall, Kent, and Sharon.

The plans evolved for the disposal of the land show the influence of the assembly's earlier experience with such towns as Bolton and Litchfield. In every township 300 acres, at a convenient distance from the central town plot, were to be reserved for the use of Yale College; money obtained from the sale of lots was to be used for schools in the older and more settled towns of the colony according to the list of rateable estate in each town; and three shares were always to be set apart in the town itself for the use of the minister and the school forever. A committee was appointed in each county to take the names of subscribers and after each name was placed the sum offered for a right. Fifty shares in each town were put up for sale and each county committee was assigned a special township, two of them receiving one extra, as there were but five counties at that time in the colony.

This plan did not work out well in execution, as it proved to be confusing and unfair. The fifty shares offered were in each case heavily oversubscribed, in three townships the bids for 150 shares reaching as high as 392 and prices ranging from £10 to £68. Consequently in May, 1733, another method was suggested. This was to divide each township into sixty-three shares, three for Yale, school, and ministry, and the remaining sixty to be distributed by lot among the settled towns of the colony, according to their respective lists. Such shares were to be confirmed by the assembly to any one of the inhabitants who might, by vote of the rest, sell, exchange, or convey his right or rights to any other person, provided the product of the sale should go to the maintenance of the schools or, if the schools were already provided for, to the upkeep of the ministry. This plan did not work any better than the other, so a committee was appointed to

draw up a third scheme, which in the end proved to be the one finally adopted.

According to this arrangement 300 acres in each township were reserved for the use of Yale College. The rest, exclusive of grants to individuals, was divided into fifty-two shares, two for the school and ministry and the remaining fifty to be sold at public auction at a stated time in each of the county towns by special committees appointed for the purpose. The shares were to go to the highest bidders, who were to be "his Majesty's English subjects inhabitants of this Colony." The purchasers were to settle, themselves or others, on their shares within three years, but should any man have a son sixteen years old, who desired to go to one of the new towns, he could purchase a right for him, provided he gave bond that all duties would be performed and rates paid within three years, at the end of which time he could turn his share over to his son. In any case he was to clear six acres and build a house eighteen feet square by seven feet between the floor and ceiling or forfeit his right. Norfolk was to be sold at Hartford in April, 1738, the bidding to start at £50 a right; Goshen at New Haven, December, 1737 at £60; Canaan at New London, January, 1738, at £60; Cornwall at Fairfield at £50; Kent at Windham, March, 1738, at £50; Salisbury at Hartford, May, 1738, at £30; Sharon at New Haven, October, 1738, at £30. Bonds might be given in payment, with surety at double the value of the bid and death was not to involve forfeiture. Settlement was to begin two years after the purchase and was to continue for three years. If the money received was not needed for the schools, it might be turned over to the ministry.

This plan was debated in the assembly at considerable length, but in May, 1737, it was adopted with some

amendment. The most important of the amendments was to limit Salisbury to twenty-five rights, because much land there had already been taken up and a good deal of what remained was unfit for cultivation. The proprietors were given permission to come together and arrange for settlement, as soon as they had given the customary ten days' notice and had obtained from a justice of the peace the proper warrant. A tract of land known as the Warmaug Reserve, consisting of 22,214 acres, now the town of Warren, was divided equally between Hartford, Windsor, and the colony. Its lands were sold later and the town was incorporated in 1786.

Goshen was the first town to be sold and the first to be settled. Though a few shares had been disposed of to speculators before the proprietors' meeting was called, its occupiers were largely the original purchasers. The latter held their first meeting at Litchfield in 1738 and by 1739 were on the ground, having received their town privileges in the same year. A tax on lands already laid out enabled them to erect a meetinghouse in 1740. The settlement of Canaan followed soon after the sale of rights had been completed in 1738, and so rapid was the influx of population that the assembly incorporated it in 1739. As most of the settlers came from New London—a long distance off—the town asked the assembly committee that was supervising the undertaking to be particularly watchful to see that non-resident proprietors did not send any settlers there who would be likely to become a burden on the town.

Although the Cornwall proprietors were at first more energetic than the others in forwarding settlement—so that several families were building their houses there during the summer following the sale of the township—the right of incorporation was not granted until 1740.

The town suffered even more than the others from the evils of non-resident proprietorship, for in 1759 the record shows that out of the 23,500 acres that made up the township 11,500 were owned and unoccupied by sixty-three people living elsewhere, in twenty-four towns of the colony and in New York and Boston. The average holding of these proprietors was about 180 acres, with 821 acres the largest amount owned by a single individual. Kent was settled in 1738 and incorporated in 1739. Some of the proprietors made an attempt to obtain an abatement of the purchase price, claiming that the land was not worth the money, but the assembly refused to grant their request.

Norfolk was offered for sale in April, 1738, but this had to be repeated in September as there were no purchasers. At the second sale only one man made a successful bid, although many said they would purchase, but refused to give bond and take their deeds. Then the assembly postponed all sales until further notice. At length in 1743 forty-six people from Windsor and Simsbury offered to buy the whole township for £7125, but the request was refused. Four years later the assembly decided to try another auction, to take place at Hartford, starting at £200 a share. But again the attempt was a failure. Finally in 1754 forty-nine shares at £200 were sold at Middletown and in 1755 twenty-four families were reported as settled. In 1758 the town was incorporated with forty-three families in residence.

Salisbury or Weatogue had been occupied by Indians and Dutchmen long before Connecticut started to lay out and sell the township. The first grant there was made by the assembly to William Gaylord and Stephen Noble of New Milford, who in turn sold their lands to three New Yorkers, William White, Abraham Van Deusen, and

Roeloff Dutcher, in 1720. At this time it was not absolutely certain that Salisbury fell within Connecticut's bounds. These Dutchmen, joined by another, John Knickerbocker, settled soon after the purchase, and there, too, Thomas Lamb of Springfield came some time before the sale began. Andrew Hinman and Thomas Knowles of Woodbury made extensive purchases there from the Indians in 1729, covering as they supposed all the available land in the township. They claimed in 1731 to have laid out 2,900 acres at Weatogue and were ready to establish forty "Christian inhabitants" if the assembly would grant them the right to be a town. But the assembly would not agree. In 1736 they petitioned again saying that twenty-five people were already there and had no means of carrying on worship, but the assembly made no answer to this petition. Meanwhile the assembly made several small grants of land in the locality to several men of distinction in the colony—Jared Eliot of Killingworth, Elisha Williams, rector of Yale College, Martin Kellogg of Wethersfield, Robert Walker of Stratford—and to Philip Livingstone of Albany, New York. But Hinman and Knowles would not give up. They had offered in 1729 to quitclaim their Indian purchase to the colony on condition that 550 acres be set out for their own use, but the assembly had paid no attention to their letters. Now in 1736 they wrote again, saying that they had had an offer from "men of considerable estate," who would pay well for the land. They were willing, before closing with that offer, to give the colony one last chance, because they were eager for Connecticut's welfare and had no sinister designs. If the assembly would grant them 100 acres apiece, that was all they would ask for. The assembly accepted the terms. Thomas Lamb reported about the same time that the settlement had a gristmill, a

sawmill, an ironwork under way, and sixteen families, ten of whom were Dutch. He felt that the time had come for the award of town privileges.

The assembly was not yet ready to take this final step, but went ahead with its plans for the sale of the remaining Salisbury lands. It appointed a committee to settle all claims and to drive off trespassers, and succeeded in disposing of all the shares—only twenty-five in number—some of them to purchasers already resident. The proprietors met in Salisbury, on their own ground, an unusual event, and renewed the demand for town incorporation. This was finally granted in 1741.

Of the fifty-three rights allotted to Sharon forty-nine were sold at auction in 1738. Each right represented 700 acres, with the starting price of £200. Only sixteen of the original proprietors became settlers, but although few in number they were prompt in settlement, so that by 1739 twenty-eight families were reported on the ground and the town was duly incorporated. The inhabitants came from Lebanon, Colchester, Norwalk, and Stamford. This good beginning met with a serious check in 1740–1741, when the town suffered extremely from the exceptionally severe winter of that year. “So heavy were the strokes of the Almighty and so dark is the Countenance of our Present State,” wrote the town agent to the assembly, that the purchasers were forced to ask for an extension of time for the payment of their bonds. They had been wracked by a nervous fever, 120 people had been sick for from forty to a hundred days, their crops had been ruined, their cattle had died, and twenty of their number had been taken from them by death. A second petition, even more plaintive than the first, was sent in the following October: starvation was at hand; they had only enough food for one more week; if they

were required to pay on their bonds they would be forced to rent their lands to their neighbors and to others—rich merchants—who were “seeking the land but at their own price,” and live as tenants of the property owners. Sharon, they said, had become “a withering branch of the commonwealth,” which ought to be relieved of taxes of all kinds and be granted a loan without interest. They would offer their lands to the government as security, and if there was not enough money in the treasury to make such a loan possible, they begged the colony to have more printed. This appeal received a generous reply from the assembly in the form of a loan of £200.

Sharon was not the only one among the new and struggling frontier towns of the west to apply for relief as the result of this devastating winter. Agents from Canaan, Goshen, Kent, and Cornwall wrote the assembly that they were facing greater difficulties than they had ever known before. They had had to buy many extra provisions, their cattle had died, and all of them were in serious financial straits. They complained bitterly of the first purchasers who had made “merchandize” of their rights, to their own great advantage and the distress of the resident inhabitants, because of the large tracts of unimproved land, from which no adequate revenue was returned. They asked of the assembly the right to impose a double tax upon the lands of non-residents, a town stock of powder for defense against the French and Indians, and a copy of the laws of the colony. Strangely enough, the assembly negatived this petition completely.

A second petition was sent in to the next session of the assembly, in which Salisbury joined with the others. The petition informed the assembly that an epidemic of measles had come to swell the list of disasters and that

many of the older towns had refused to wait any longer for their school money; that is, for the money due from rights in the towns, and were threatening action. As it would be very difficult for the inhabitants to hold their lands and pay lawful interest, they wanted the assembly to lend them the money at a low rate or else to loan the money directly to the towns that were demanding the interest from their town shares. They promised to pay all and more in time, and offered all they possessed as security. Again the assembly negatived the petition. It was not willing to bear the responsibility for the failure of the towns to pay their debts, but it was willing to do something in the way of offering relief. In 1742 it appointed a committee to consider ways and means, and after several false starts worked out a satisfactory plan. The committee was to draw up a list of needy inhabitants, who were to have their bonds renewed at a moderate rate of interest. Those among them who possibly could were to pay their debts and those of the older towns that were insisting on immediate payment of their school money were to receive in equal proportions such as had already been paid, and where payment had not been made they were to receive the interest at the old rate. Cases of dire need were to be relieved by the committee at the expense of the colony. Thus aided the new towns succeeded in weathering the crisis. Had the assembly not granted this extension of payment on the bonds and a tax on the lands of non-residents there is good reason to believe that the seven townships would have received a serious, if not a permanent setback.

With the settlement of the western frontier, all available land in the colony was at last laid out in townships and all future towns, which were destined to be nearly one hundred in number, were to be formed by processes

of subdivision and conjunction within the areas of the parent communities.

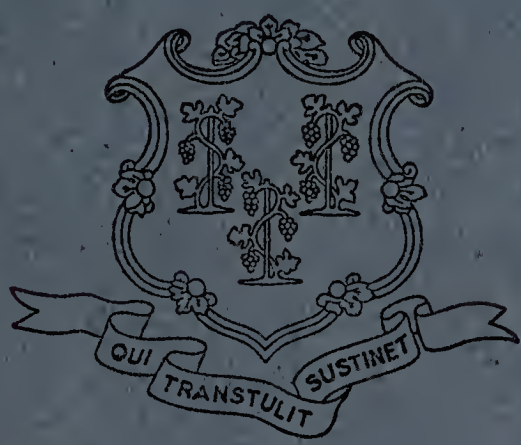
Four stages are to be noted in the settlement of the Connecticut towns. The first includes the coast towns and those which were located on the principal river, the Connecticut. These towns fall within the first twenty years of the colony's history. The second stage, covering the next fifty years, marks the beginning of the opening of the back country, when towns were started at some distance from the older towns, generally on the smaller rivers and sometimes twenty or thirty miles from the coast. The third stage is characterized by a filling-in process of the real background of the colony, effected partly by migration of groups as in the earlier stages, but more often by the artificial method of land purchase and land promotion. In this stage the group was losing its identity as a homogeneous body of neighbors or as a covenanted company of church members and was becoming a fortuitous collection of purchasers, sometimes from the same quarter and sometimes from widely scattered quarters, of rights and shares. Though dates have no special significance in this connection, this stage covers approximately the first thirty years of the eighteenth century. The fourth stage, during which the last of the lands of the colony were assigned, concerns what may be called the frontier wilderness of the colony, when lands were dealt with in speculative fashion and whole townships were auctioned off to the highest bidders. With the disposal of the "western lands" the spirit of speculation reached its height in the colony and the original conditions of settlement, such as appear in the coast and river towns of the last three-quarters of the seventeenth century, had entirely disappeared. From this time forward purchasers of new and unoccupied

lands had to look outside the colony, to Massachusetts, New Hampshire, and Vermont and even central New York and the further West, for the acquirement of virgin soil. The steady push of the Connecticut settlers up from the coast and out from the rivers had come to an end, the boundaries had been reached and the frontier of the colony had ceased to exist.

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Connecticut History

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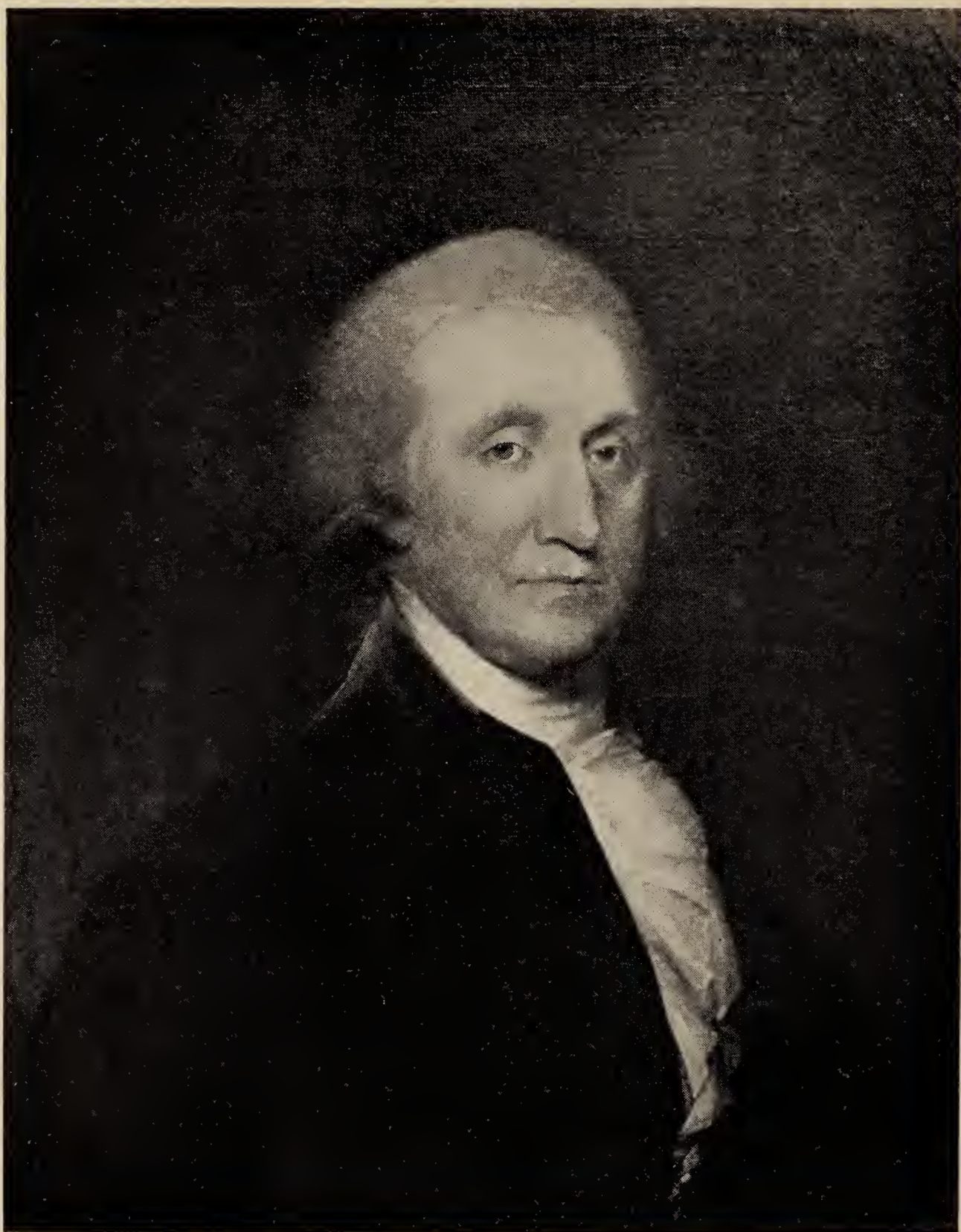
*George Washington and Connecticut
in War and Peace*

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*George Washington and Connecticut
in War and Peace*

GEORGE MATTHEW DUTCHER

WHILE Washington journeyed into each of the original thirteen states at least once, he made four round trips across Connecticut besides visiting the state on two other occasions. His career was mainly associated with a narrow zone lying along the route from Mt. Vernon through Philadelphia and New York to Boston. Though he spent long periods in the immediate vicinity of Philadelphia and New York and made a single long stay at Cambridge, Massachusetts, his acquaintance with Pennsylvania, New York, and Massachusetts was otherwise limited. Across the four smaller states along the route, Maryland, New Jersey, Rhode Island, and Connecticut, he travelled frequently in various directions so that he may be said to have known these states more thoroughly than the others. While he was in Maryland a greater number of times than in any other state except his native Virginia, there were considerable sections that he never visited; and while his Revolutionary campaigns kept him in New Jersey for long periods, his acquaintance really extended to only about one half of the state.

In the cases of Connecticut and Rhode Island, however, he repeatedly crossed each state in various directions, so that there was no considerable section which he did not visit. Though he was never in either of the two states for more than a few days at a time, his visits to Connecticut were more numerous and more protracted.

The contacts of Washington with Connecticut began with his first visit to New England early in the French and Indian War. On August 14, 1755, after Braddock's defeat, Governor Dinwiddie of Virginia commissioned Washington "Colonel of the Virg'a Regim't and Com'd'r-in-Chief of all the Forces now rais'd and to be rais'd for the Defence of y's H. M'y's Colony. . . ." The ensuing operations involved acting across Maryland territory, near Cumberland, which brought him into conflict with the local Maryland commander, Captain Dagworthy, who held a British royal commission. The consequent disputes over the relative rating of royal and colonial commissions determined Washington, with the hearty support of Governor Dinwiddie, to carry his appeal to Governor Shirley of Massachusetts, who then ranked as commander in chief in North America. The undertaking involved heavy personal expense and the hardship of a winter journey of a thousand miles on horseback.

On this errand Washington set out in due state on February 4, 1756. After spending some days in Philadelphia, he lingered in New York where he passed his twenty-fourth birthday. Across Connecticut he hastened by way of the old Post Road through the towns along the Sound as far as New London, and thence through Norwich¹ and Providence. Boston was reached before the end

¹Definite information is not available concerning the exact route followed on this journey from New London to Providence, or on the return trip between Providence and New London, but the routes indicated in the text are considered probable.

of the month. After transacting successfully his business with General Shirley, as witnessed by an order dated March 5, 1756, his return journey took him across only the corner of Connecticut between Westerly and New London, whence he crossed the Sound and travelled through Long Island to New York. A few more days were passed agreeably with friends in New York, and on March 23 he was back in Virginia. Washington's expense account for the trip, a few passing references in his correspondence, and five brief entries in the *Pennsylvania Gazette* constitute the principal contemporary evidences now available concerning this journey. Of his hurried passage through Connecticut no record of even a single incident or observation seems to have survived. Few persons today are aware that in this seven weeks' trip Washington anticipated by nearly twenty years his famous journey of June, 1775, to Cambridge.

At the initiative of John Adams of Massachusetts, Washington was chosen by the second Continental Congress, commander in chief of the forces of the United Colonies on June 15, 1775. Six days later he set out on horseback from Philadelphia to assume command. After stopping for a few days in New York to acquaint himself with the situation there, and to take such measures as were required by the local circumstances, he travelled by way of New Haven, Hartford,² and Springfield to Cambridge, where he arrived on July 2 and assumed command the following day. Only slight record survives with regard to Washington's experiences or observations in passing through Connecticut, either in 1775 or on his return journey from Cambridge to New York in 1776.

² It is assumed, though the data are not conclusive, that this journey from New Haven to Hartford was made through Wallingford, Durham, and Middletown, and that the night of June 29-30 was spent in the Silas Deane house at Wethersfield.

The *Connecticut Courant* (Hartford) of Monday, July 3, 1775, has only the following brief notice of Washington's appointment and journey to Cambridge:

On Friday last [June 30] passed through this Town for the Camp at Charlestown, his Excellency General Washington, appointed by the Hon. Continental Congress, Commander in Chief of all the Provincial Troops in North-America. He was accompanied by General Lee, and a Number of other Gentlemen.

The same journal contains no reference to the general's return after the British evacuation of Boston. Setting out from Cambridge on April 4, 1776, General Washington travelled by way of Providence, Norwich, New London, and New Haven, and arrived in New York on the thirteenth. Mrs. Washington, however, made the journey by way of Hartford as is shown by the following entry in the *Connecticut Courant* of Monday, April 15, 1776:

Friday last [April 12] the Lady of his Excellency General WASHINGTON, passed through this Town, on her Way to New-York.

More than four weary years elapsed between Washington's journey through Connecticut in April, 1776, and his next visit to the state. In pursuance of the treaty of alliance between France and the United States, signed in February, 1778, a body of French troops under the command of General Comte de Rochambeau, escorted by a fleet under Admiral de Ternay, arrived at Newport on July 10, 1780. The first communications between Washington and Rochambeau were conducted by Lafayette. Many reasons, however, pointed to the desirability of a personal conference between the two commanders. The precarious state of operations around New York made the absence of Washington, especially for any considerable period, most undesirable. Inasmuch as

the French forces at Newport had been promptly blockaded by a superior English fleet, it was likewise inexpedient for the French general and admiral to absent themselves for long. Under these circumstances the interview was arranged for a midway point. Hartford was selected as the place and September 20 as the date.

Accordingly Washington left his headquarters in Bergen County, New Jersey, near the New York line, on September 18, 1780, crossed the Hudson at King's Ferry (Stony Point) and arrived at Hartford³ on the twentieth. The American commander in chief was accompanied by General Knox who commanded the artillery and engineers in the Continental army, by the Marquis de Lafayette, and by several aides and an escort. The Comte de Rochambeau was accompanied by several officers of his staff and by Admiral de Ternay. This historic first meeting of the commanders of the two allied forces took place in the Wadsworth mansion which stood on the site of the present Wadsworth Atheneum. The honor conferred upon Hartford by this famous meeting was modestly borne, for the *Connecticut Courant* of Tuesday, September 26, indulged in not a single headline and confined its record of the event to these seventy-nine words:

Last week their Excellencies Governor TRUMBULL, General WASHINGTON, Count ROCHAMBEAU, and Admiral TERNAY arrived in this town, with the Marquis DE LA FAYETTE, General KNOX and several other officers of distinction from the

³ Conclusive evidence is lacking with regard to the route followed on this journey from the Hudson to Hartford, but the weight of evidence seems to indicate that the same route was taken as on the return journey and on the trips in March and May 1781. The present writer is inclined to believe that this is due to confusion with the other journeys, and that this trip was made from Peekskill to Ridgefield and thence through Woodbury and Farmington to Hartford.

allied Armies. The greatest satisfaction was expressed by the parties at this meeting, and the highest marks of polite respect and attention were mutual. The corps of Guards and Artillery were on duty, and saluted with thirteen Cannon on the arrival and departure of these Gentlemen.

The participants on each side seem to have carried away the most agreeable impressions of their new friends. The results of the discussions were embodied in a document in the form of propositions submitted by the French and of answers prepared by Washington. The principal conclusion was that no effective operations could be undertaken without additional resources in men, ships, and money to be provided from France. Operations during the remainder of the calendar year seemed precluded by the lateness of the season, by the presence of the superior British fleet off Newport, and by the impossibility of securing the coöperation of a second French fleet under the Comte de Guichen. In view of these circumstances the conference was less prolonged than had been anticipated, so that Washington set out on his return journey two days ahead of schedule. Furthermore, he suddenly changed his route and, instead of returning the way he had come, he rode from Litchfield by way of Fishkill to West Point where his unexpected arrival on the morning of September 25 happened just in time to balk the treason of Arnold, Connecticut's wayward son. It may be mentioned that of the fourteen generals who composed the court which tried Major André a few days later, three were natives of Connecticut: Huntington, Parsons, and Paterson.

In order to attend a second conference with the French officers, Washington made his next journey through Connecticut, leaving his headquarters at New Windsor, near Newburgh, on March 2, 1781. He trav-

elled by way of Hartford and Lebanon,⁴ the home of Governor Trumbull, where some of the French were quartered. Immediately upon his arrival at Newport, on March 6, he went on board the flagship of the French naval commander, Admiral Destouches, to initiate the deliberations. Two days later in pursuance of the plans agreed upon, Destouches sailed for the Chesapeake to assist in an attempt to capture Arnold and his British troops who were then ravaging Virginia. Unfortunately he encountered the British fleet off the Capes and after a fight on March 16, found it desirable to abandon the enterprise and return to Newport. Thus, abruptly, the purpose of the conference had been frustrated before Washington was able to get back to his headquarters. The return journey, begun on March 13, was made by way of Bristol to Providence and thence through Bolton, Hartford, and Litchfield back to New Windsor where Washington arrived once more on March 20. The *Connecticut Courant* in its editions of March 6 and March 20 respectively, noted, with its customary brevity, the passage of Washington through Hartford on this journey both going and returning:

Sunday last [March 4] his Excellency General Washington, with his suite, passed through this town, on his way to the Eastward.

Last Friday afternoon [March 16] his Excellency General WASHINGTON arrived in town from Newport, and on Sunday morning proceeded on his journey to the Army.

The situation of the French was sufficiently altered by

⁴ Again conclusive evidence does not exist to determine the route taken from Lebanon to Newport or on the return journey from Providence as far as Bolton. The available evidence strongly favors Lebanon, Norwich, North Stonington, Jamestown, Newport for the outward trip, and Providence, Plainfield, Canterbury, Windham, Bolton as the return route. There seems to be no adequate proof to support the supposition of some writers that the return journey was made through Pomfret.

May 11 so that Rochambeau and the Comte de Barras, who had arrived to take over the command of the fleet, wrote Washington requesting a third conference. Accordingly, he proposed that the meeting occur at Wethersfield on May 21. For this purpose Washington again left his headquarters at New Windsor on May 18 and recorded in his *Diary* under the nineteenth: "Breakfasted at Litchfield—dined at Farmington—and lodged at Weathersfield at the house of Joseph Webb" On the following day, Washington, "Had a good deal of private conversation with Govr. Trumbull," and consulted with Colonel Jeremiah Wadsworth and others about Connecticut's coöperation in the ensuing campaigns. Though the commander of the French fleet, Admiral Comte de Barras, was unable to be present, Rochambeau and General Chevalier de Chastellux, with their staffs, reached Hartford on the twenty-first where they were met by Washington and Generals Knox and Du Portail and the accompanying officers.

After receiving the welcome of the citizens of Hartford, the whole party went to Wethersfield where the conference was held, in the Webb house. Washington's *Diary* makes clear that, contrary to statements widely current, this conference did not definitely arrange for the Virginia campaign which culminated at Yorktown, but did decide, after considering the two alternatives, to plan for immediate operations against General Sir Henry Clinton in New York. Developments in connection with the ensuing campaigns and later news from Admiral de Grasse led, in August, to the sudden determination to adopt the alternative plan which had been discussed at Wethersfield and to transfer operations to the Chesapeake and Virginia. From this fourth and last visit to Connecticut as commander in chief of the Continental

forces, Washington returned by the same route from Wethersfield through Litchfield to New Windsor where he arrived on May 25. Meanwhile, in April, 1781, by a special vote of the corporation, Yale College had conferred on Washington the honorary degree of Doctor of Laws. Harvard had bestowed the same honor five years earlier.

The *Connecticut Courant* of May 29, 1781 contains only the following uninforming notice of the Wethersfield conference:

On Saturday the 19th instant his Excellency General WASHINGTON, accompanied by General KNOX, General DU PORTAIL, and their respective Suites, arrived at Wethersfield; being escorted into town by a number of Gentlemen from Hartford and Wethersfield. As he dismounted at his Quarters he was saluted by the discharge of thirteen Cannon, by the Corps of Artillery under the command of Capt. Frederick Bull.

On Monday the 21st instant, his Excellency the Count De ROCHAMBEAU commanding the Army of His Most Christian Majesty, at Newport, General CHATTELEAU [Chastellux], and their Suites, arrived at Wethersfield. They were met at Hartford by his Excellency General Washington, the Officers of the Army, and a number of Gentlemen who accompanied them to Wethersfield, where they were saluted with the Discharge of Cannon. Every Mark of Attention and Politeness were shewn their Excellencies and the other Gentlemen of the allied Armies, whilst attending the Convention.

It was as president that Washington made his final journeys through Connecticut. Shortly after the close of the first session of the first congress in 1789, Washington decided that it would be politic to undertake a tour through the New England states. With characteristic modesty he determined to accept no private hospitality but to secure entertainment at his own expense at inns and taverns along the route. He travelled by coach, though

sometimes changing to horseback, and was accompanied by his aide and secretary, Major William Jackson and Mr. Tobias Lear, and attended by six servants. Though there was little opportunity to herald his coming he was welcomed everywhere with the utmost enthusiasm. The tour was begun on October 15 from New York City, which was then temporarily the nation's capital. As far as New Haven it seems to have been comparatively uneventful, but in that city and from there onward spontaneous and cordial demonstrations greeted his progress.

The *Connecticut Gazette* (New London) of Friday, October 30, 1789, under a date line of New Haven, October 21, furnished the following account of the president's visit in that city:

The citizens of this place were highly gratified by the presence of the President of the United States, who came to town last Saturday [October 17] afternoon in good health. The next day he attended divine service in Trinity Church. His Excellency the Governor, his honor the Lieutenant-Governor, Hon. Roger Sherman, the honorable the Speaker, of the House of Representatives with the Treasurer, dined with him;—and attended the afternoon Service, at the Rev. Dr. Edward's⁵ Meeting.

Early on Monday morning, the President set out from hence, for the Eastern States.

The *Connecticut Courant* for Monday, October 19, announced:

We are informed that the ILLUSTRIOUS PRESIDENT of the United States set out from New-York on a tour to the Eastward, last Thursday morning [October 15]; and that he may be expected in this city this evening.

In the issue for the following week, October 26, the visit to Hartford is described in the following lines:

⁵Jonathan Edwards, Jr., was minister of the society now known as the United Church.

The Illustrious President of the United States with his Suite, arrived in this City on Monday last [October 19], escorted by the Governor's Troop of Horse Guards, dressed in an elegant uniform, and by a large number of Gentlemen on horseback. Tuesday he spent the day in town—went to view the various branches of the woolen manufacture, and expressed great satisfaction at the progress, which had been made in that useful undertaking. On Wednesday, he proceeded on his tour to the Eastern States. The Corporation expressed their own sentiments and those of their fellow-citizens in the following address

This account was followed by an address from the citizens of Hartford signed by the mayor, Thomas Seymour, and by Washington's reply thereto. The return journey through Hartford was thus briefly noted in the *Connecticut Courant* of Monday, November 16:

Last Monday afternoon [November 9] the President of the United States arrived in this City, from the Eastward, and next morning sat out for New-York.

Fortunately Washington has left his own daily record of this memorable journey and of his accurate observations of the country through which he passed. Leaving New York on October 15, the distance of the first "day's travel was 31 miles. . . . to the Tavern of a Mrs. Haviland at Rye." The president's *Diary*⁶ then proceeds:

Friday, 16th. About 7 o'clock we left the Widow Haviland's, and after passing Horse Neck, six miles distant from Rye, the Road through which is hilly and immensely stoney, and trying to Wheels and Carriages, we breakfasted at Stamford, which is 6 miles further, (at one Webb's) a tolerable good house, but not equal in appearance or reality to Mrs. Haviland's. In this Town are an Episcopal Church and a meeting house. At

⁶*The Diaries of George Washington, 1748-1799*, edited by John C. Fitzpatrick, A.M., Boston and New York, Houghton Mifflin Company, vol. iv, pp. 21-52. Grateful acknowledgment is made to Mr. Fitzpatrick and to The Mount Vernon Ladies' Association of the Union for permission to reprint the following extracts.

Norwalk, which is ten miles further, we made a halt to feed our Horses. To the lower end of this town Sea Vessels come, and at the other end are Mills, Stores, and an Episcopal and Presbyterian Church.

From hence to Fairfield, where we dined and lodged, is 12 miles; and part of it very rough Road, but not equal to that thro' Horse Neck. The superb Landscape, however, which is to be seen from the meeting house of the latter is a rich regalia. We found all the Farmers busily employed in gathering, grinding, and expressing the Juice of their apples; the crop of which they say is rather above mediocrity. The average crop of Wheat they add, is about 15 bushels to the acre from their fallow land—often 20, and from that to 25. The Destructive evidences of British cruelty are yet visible both in Norwalk and Fairfield; as there are the chimneys of many burnt houses standing in them yet. The principal export from Norwalk and Fairfield is Horses and Cattle—salted Beef and Pork—Lumber and Indian Corn, to the West Indies, and in a small degree Wheat and Flour.

Saturday, 17th. A little after sun-rise we left Fairfield, and passing through Et. Fairfield breakfasted at Stratford, wch. is ten miles from Fairfield, and is a pretty village on or near Stratford Rivr. The Road between these two places is not on the whole bad (for this country)—in some places very gd., especially through Et. Fairfield, wch. is in a plain, and free from stone.

There are two decent looking Churches in this place, though small, viz: an Episcopal, and Presbyterian or Congregationalist (as they call themselves). At Stratford there is the same. At this place I was received with an effort of Military parade; and was attended to the Ferry, which is near a mile from the center of the Town, by sevl. Gentlemen on horseback. Doctr. Johnson⁷ of the Senate, visited me here, being with Mrs. Johnson in this Town, (where he formerly resided). The Ferry is near half a mile; and sometimes much incommoded by winds and cross tides. The navigation for vessels of about 75 Tons extends up to Danby [Derby], ten miles higher, where it is said there is a pretty brisk trade. At Stratford they are es-

⁷See below, p. 34.

tablishing a manufactory of Duck, and have lately turned out about 400 bolts. From the Ferry it is abt. 3 miles to Milford, which is situated in more uneven and stony grd. than the 3 last villages through wch. we passed. In this place there is but one Church, or in other words, but one steeple—but there are Grist and Saw mills, and a handsome Cascade over the Tumbling dam; but one of the prettiest things of this kind is at Stamford, occasioned also by daming the water for their mills; it is near 100 yds. in width, and the water now being of a proper height, and the rays of the sun striking upon it as we passed, had a pretty effect upon the foaming water as it fell. From Milford we took the lower road through West haven, part of which was good and part rough, and arrived at New Haven before two o'clock; we had time to walk through several parts of the City before Dinner. By taking the lower Road we missed a Committee of the Assembly, who had been appointed to wait upon and escort me into town—to prepare an address—and to conduct me when I should leave the City as far as they should judge proper. The address was presented at 7 o'clock—and at nine I received another address from the Congregational Clergy of the place. Between the rect. of the two addresses I received the Compliment of a visit from the Govr. Mr. Huntington—the Lieut. Govr. Mr. Wolcott—and the Mayor, Mr. Roger Sherman.⁸

The City of New-haven occupies a good deal of ground, but is thinly, though regularly laid out and built. The number of Souls in it are said to be about 4000. There is an Episcopal Church and 3 Congregational Meeting Houses and a College, in which there are at this time 120 Students under the auspices of Dr. Styles. The Harbour of this place is not good for large vessels—abt. 16 belong to it. The Linnen manufacture does not appear to be of so much importance as I had been led to believe. In a word, I could hear but little of it. The Exports from this City are much the same as from Fairfield, etca., and flax seed, (chiefly to New York). The Road from Kingsbridge to this place runs as near the Sound as the Bays and Inlets will allow, but from hence to Hartford it leaves the Sound and runs more to the Northward.

⁸See below, pp. 32–33.

Sunday, 18th. Went in the forenoon to the Episcopal Church, and in the afternoon to one of the Congregational Meeting Houses. Attended to the first by the Speaker of the Assembly, Mr. Edwards, and a Mr. Ingersoll, and to the latter by the Governor, the Lieut. Governor, the Mayor, and Speaker.

These Gentlemen all dined with me, (by invitation,) as did Genl. Huntington, at the House of Mr. Brown, where I lodged, and who keeps a good Tavern. Drank Tea at the Mayor's (Mr. Sherman). Upon further enquiry I find that there has been abt. ——— yards of coarse Linnen manufactured at this place since it was established—and that a Glass work is on foot here for the manufacture of Bottles. At 7 o'clock in the evening many Officers of this State, belonging to the late Continental army, called to pay their respects to me. By some of them it was said that the people of this State could, with more ease pay an additional 100,000£. tax this year than what was laid last year.

Monday, 19th. Left New-haven at 6 o'clock, and arrived at Wallingford (13 miles) by half after 8 o'clock, where we breakfasted, and took a walk through the Town. In coming to it we passed thro' East [North] Haven about midway; after riding along the river of that name 6 miles, on which are extensive marshes now loaded with hay stacks—the ride is very pleasant, but the Road is sandy, which it continues to be within a mile of the Tavern (Carrington's, which is but an ordinary house,) at Wallingford. This and about five miles of the Road beyond—that is west of New-haven—is all the sand we have met with on the journey. These Sandy lands afford but ordinary Crops of Corn—nor have the Crops of this grain East of Stratford River appeared as heavy as on the West side of it. The Lands (Stone being less) are in part enclosed with Posts and Rails. At this place (Wallingford) we see the white Mulberry growing, raised from the seed, to feed the silkworm. We also saw samples of lustring (exceeding good) which had been manufactured from the Cocoon raised in this Town, and silk thread very fine. This, except the weaving, is the work of private families, without interference with other business, and is likely to turn out a beneficial amusement. In the Township of Mansfield they are further advanced in this business. Wallingford has a Church and two meeting houses in it, which

stand upon high and pleasant grd. About 10 o'clock we left this place, and at the distance of 8 miles passed through Durham. At one we arrived at Middletown, on Connecticut River, being met two or three miles from it by the respectable Citizens of the place, and escorted in by them. While dinner was getting ready I took a walk round the Town, from the heights of which the prospect is beautiful. Belonging to this place, I was informed (by a Genl. Sage) that there were about 20 sea vessels, and to Weathersfield, higher up, 22—and to Hartford the like number—other places on the River have their proportion,—the whole amounting to about 10,000 Tons.

The Country hereabouts is beautiful and the Lands good. An average Crop of wheat from an acre of fallowed land is estimated at 15 bushels; sometimes they get as high as 25 and 30 bushs. to the acre from the best lands. Indian Corn from 20 to 40 bushls. pr. acre. Their exports are the same as from other places; together with Potash. Having dined, we set out with the same Escort (who conducted us into town) about 3 o'clock for Hartford, and passing through a Parish of Middletown and Weathersfield, we arrived at Harfd. about sundown. At Weathersfield we were met by a party of the Hartford light horse and a number of Gentlemen from the same place with Colo. Wadsworth⁹ at their head, and escorted to Bull's Tavern, where we lodged.

Tuesday, 20th. After breakfast, accompanied by Colo. Wadsworth, Mr. Ellsworth¹⁰ and Colo. Jesse Root, I viewed the Wollen Manufactory at this place, which seems to be going on with spirit. Their Broad-cloths are not of the first quality, as yet, but they are good; as are their Coatings, Cassimeres, Serges and Everlastings; of the first, that is, broad-cloth, I ordered a suit to be sent to me at New York—and of the latter a whole piece, to make breeches for my servants. All the parts of this business are performed at the Manufactory except the spinning—this is done by the Country people, who are paid by the cut.

Hartford is more compactly built than Middletown, and contains more souls; the computed number of which amount

⁹ See below p. 25.

¹⁰ See below pp. 33-34.

to about dble. The number of Houses in Middletown are said to be 250 or 60—these reckoning eight persons to a house, would make two thousand at least. The depth of water which Vessels can bring to the last place, is about ten feet; and is as much as there is over Saybrook bar. From Middletown to Hartford there is not more than 6 feet water. At Middletown there is one Episcopal and two Congregational Churches. In hartford there is none of the first and 2 of the latter.

Dined and drank Tea at Colo. Wadsworth's, and about 7 o'clock received from, and answered the Address of the Town of Hartford.

Wednesday, 21st. By promise I was to have Breakfasted at Mr. Ellsworth's at Windsor, on my way to Springfield, but the morning proving very wet, and the rain not ceasing till past 10 o'clock, I did not set out till half after that hour; I called, however, on Mr. Ellsworth and stay'd there near an hour—reached Springfield by 4 o'clock. . . .

Leaving Springfield, Massachusetts, Boston was reached on October 24. Thence the tour proceeded to Portsmouth, New Hampshire, and Kittery, Maine. The return route lay through Exeter, Haverhill, Lexington, and Uxbridge, where the night of November 6 was spent at the house of Samuel Taft; then crossing into Connecticut, the journey may be followed once more with Washington's *Diary*:

Saturday, 7th. Left Taft's before sunrise, and passing through Douglass wood, breakfasted at one Jacobs' in Thompson, 12 miles distant; not a good house. Bated the horses in Pomfret, at Colo. Grosvenor's, distant 11 miles from Jacobs', and lodged at Squire Perkins' in Ashford, (called 10 miles, but must be 12). The first stage, with a small exception, is intolerable bad road, and a poor and uncultivated country, covered chiefly with woods—the largest of which is called Douglass, at the foot of which, on the east side, is a large pond. Jacobs's is in the State of Connecticut, and here the lands are better, and more highly improved. From hence to Pomfret there is some woods and indifferent land, but in general it is tolerably

good, and the farms look well. In and abt. Pomfret they are fine, and from thence to Ashford not bad; but very hilly and much mixed with rock stone. Knowing that General Putnam¹¹ lived in the Township of Pomfret, I had hopes of seeing him, and it was one of my inducements for coming this road; but on enquiry in the town I found that he lived 5 miles out of my road, and that without deranging my plan and delaying my journey, I could not do it.

Sunday, 8th. It being contrary to law and disagreeable to the People of this State (Connecticut) to travel on the Sabbath day—and my horses, after passing through such intolerable roads, wanting rest, I stayed at Perkins' tavern (which, by the bye, is not a good one,) all day—and a meeting-house being within few rods of the door, I attended morning and evening service, and heard very lame discourses from a Mr. Pond.

Monday, 9th. Set about 7 o'clock, and for the first 24 miles had hilly, rocky, and disagreeable roads; the remaining 10 was level and good, but in places sandy. Arrived at Hartford a little before four. We passed through Mansfield, (which is a very hilly country, and the township in which they make the greatest qty. of silk of any in the State,) and breakfasted at one Brigham's, in Coventry. Stopped at Woodbridge in Et. Hartford, where the level land is entered upon, and from whence, through East Hartford, the country is pleasant, and the land in places very good; in others sandy and weak. I find by conversing with the farmers along this road, that a medium crop of wheat to the acre is about 15 bushels—of corn, 20—of oats, the same—and in their strong fresh lands they get as much wheat as they can rye to the acre—but in warm or sandy land the latter yields most. They go more, however, upon grazing than either; and consequently beef; butter and cheese, with pork, are the articles which they carry to market.

Tuesday, 10th. Left Hartford about 7 o'clock, and took the middle road (instead of the one through Middletown, which I went).—Breakfasted at Worthington, in the township of Berlin, at the house of one Fuller. Bated at Smith's on the plains of Wallingford, 13 miles from Fuller's, which is the distance Fuller's is from Hartford—and got into New Haven

¹¹ See below, pp. 18-19, 27.

which is 13 miles more, about half an hour before sun-down. At this place I met Mr. Gerry, in the stage from New York, who gave me the first cert'n acct. of the health of Mrs. Washington.

Wednesday, 11th. Set out about sunrise, and took the upper road to Milford, it being shorter than the lower one through West Haven. Breakfasted at the former. Baited at Fairfield; and dined and lodged at a Maj. Marvin's, 9 miles further; which is not a good house, though the people of it were disposed to do all they could to accommodate me.

Thursday, 12th. A little before sunrise we left Marvin's, and breakfasting at Stamford, 13 miles distant, reached the Widow Haviland's 12 miles further; where, on acct. of some lame horses, we remained all night. . . .

Friday, 13th. Left Mrs. Haviland's as soon as we could see the road, . . . and between two and three o'clock arrived at my house at New York. . . .

Between 1756 and 1789 Washington had thus made six round trips into or through Connecticut. That these journeys had taken him into every one of the eight counties and into approximately one half of the 169 towns reveals how thoroughly he had become acquainted with the state. The contacts of travel, however, were but one of the relations which Washington established with Connecticut. No less interest attaches to the coöperation of Connecticut with Washington in the task of winning the War for Independence.

It was while engaged in the operations around Boston that Washington formed his first important acquaintance with citizens of Connecticut, for no small number of the troops serving under his command were drawn from that colony, as were also many officers, especially General Israel Putnam. Though a native of Danvers, Massachusetts, Putnam had long lived in the village of Brooklyn, then a part of the town of Pomfret. When the news of Lexington reached this little town, Putnam, who

had been a lieutenant colonel in the French and Indian War, forsook his farm and tavern, from which swung a sign bearing the features of General Wolfe, and on the second day after the battle joined the patriot forces near Boston. There his experience, energy, and skill soon won him such recognition that he was included in the original list of four major generals of the Continental army commissioned soon after Washington's own appointment as commander in chief. By the time this honor was conferred Putnam had already given further signal demonstration of his merit by the leading part which he took in the battle of Bunker Hill where Connecticut troops, especially those under Captain Thomas Knowlton of Ashford, distinguished themselves.

While Putnam made Connecticut's first response to the news of Lexington, he but heralded that colony's prompt and general enlistment in the struggle for liberty. In March, 1775, the general assembly had chartered the Second Company of Governor's Footguards. When the report of Lexington reached New Haven its captain, Benedict Arnold, assembled the company, demanded and obtained ammunition and supplies, and forthwith hastened to Cambridge. Arnold at once proposed an expedition to seize Fort Ticonderoga, and on May 3 received a commission from the Massachusetts provincial congress for that purpose. Meanwhile a self-constituted committee of Connecticut citizens had undertaken the same enterprise and despatched a body of Connecticut troops to join with others from western Massachusetts and Vermont. Many of the Green Mountain boys who joined the expedition were natives of Connecticut and their leader, Ethan Allen, had been born in Litchfield. Allen's effective surprise of the fort on May 10 put at the disposal of the patriot force a large number of cannon and a con-

siderable amount of other supplies which were to prove indispensable to Washington's operations against the British in Boston. Arnold, who had reached the scene only in time to participate as a volunteer, advanced rapidly with a handful of men and seized St. John's, while another Green Mountain boy, Captain Seth Warner, who had been born in Roxbury, Connecticut, captured Crown Point. The garrisoning of these posts was entrusted to a Connecticut regiment commanded by Colonel Benjamin Hinman of Woodbury.

When Arnold returned to Cambridge a few days after Washington had assumed command, he proposed an expedition through Maine to Quebec of which the commander in chief approved and placed him in charge. Meanwhile another expedition under the command of General Montgomery was being organized from the New York side to move by way of Montreal. Connecticut troops participated in both these enterprises. Not less than three regiments of Montgomery's forces were Connecticut men, and after the death of Montgomery it was General Wooster who succeeded to the chief command. In all, Connecticut sent eight regiments into the Continental service in 1775, and seven were recruited for emergency service in the early months of the following year. For regular service in 1776, Connecticut provided five Continental regiments and three additional regiments. Furthermore, several units of Connecticut "state troops" and of Connecticut militia participated in various operations from the siege of Boston to the battle of Trenton.

The skill and patience of Washington were, after nine months, rewarded by seeing General Howe and his forces evacuate Boston on March 17, 1776. Two weeks later Washington left Cambridge in order to assemble the

necessary forces and to make the needful arrangements for the protection of New York, where it was anticipated the British would launch their next attack. Connecticut troops had already participated in guarding New York from possible British attack and had assisted in developing a program of fortifications for its defence. Now, this state contributed liberally to the forces with which Washington undertook to combat Howe's attack. The actual command at the battle of Long Island devolved upon General Putnam, as did also the immediate responsibility for securing the retreat of his army from the Island. In the battle of Harlem Heights, Connecticut troops had an important share and lost their heroic commander, Lieutenant-Colonel Thomas Knowlton, whose part in the battle of Bunker Hill has already been mentioned. Meanwhile Nathan Hale, who was born in Coventry and educated at Yale, and who had been a teacher in East Haddam and New London, was engaged in the perilous enterprise which ended in a martyr's death. In the defensive fighting which followed in Westchester and in northern Jersey and later in the battle of Trenton, Connecticut men continued to bear a large and worthy share.

In the four following years, 1777, 1778, 1779, and 1780, Connecticut officers and their troops were ever at Washington's side. They were with him at Brandywine and the other engagements around Philadelphia; they were with him at Valley Forge; they were with him at Monmouth; they helped him guard the highlands of the Hudson through many weary months; and they participated in the capture of Stony Point and in other engagements around New York. When danger threatened from the North, Connecticut sent many of her sons to share in the struggle with Burgoyne and in the achievement of

forcing his surrender. Finally, a goodly number of Connecticut troops marched with Washington from the Hudson to Virginia in the late summer of 1781 and bore their share in the glorious campaign which ended in the capture of Yorktown.

Throughout these years from 1777 to 1781 Connecticut, with a population of 200,000, maintained on active duty in the Continental Line eight regular regiments of infantry, a regiment of light dragoons, an "additional" regiment of infantry, and several companies in four other "additional" regiments, besides other special service troops. In 1781 the eight regiments were consolidated into five, and in 1783 they were reduced to three, and finally to a single regiment which was disbanded at the close of the war. From 1777 to the end of the war Connecticut also kept recruited, subject to call for service which often came, twenty-eight regiments of infantry organized into six brigades, and five regiments of light horse, as the state militia. Connecticut also maintained several state naval vessels, two of which, the frigate *Trumbull* and the frigate *Confederacy*, were taken into the Continental service. Numerous privateer vessels were also fitted out in Connecticut ports and manned by Connecticut sailors in the course of the war.

During the whole war Connecticut rendered unflagging service as one of the main sources of supply for food, munitions, and other necessities for the army. Consequently, though there were no strategical motives for campaigning in Connecticut, the British found it desirable to raid "the Provision State" in order to hamper the American forces by cutting off their supplies. Such expeditions were Tryon's raid on Danbury and the battle of Ridgefield in April, 1777, and Tryon's attack on New Haven and other coast towns in July, 1779, and lastly,

Arnold's attack on New London in September, 1781. To some extent Connecticut was able to get even on this matter of raids by activities in Long Island Sound and attacks upon the British posts on Long Island. Of these the most notable and most successful was the raid on Sag Harbor in May, 1777, by Colonel Return Jonathan Meigs of Middletown.

The inventive ingenuity of David Bushnell of Saybrook produced early experiments with submarine boats, torpedoes, and mines. A curious construction devised by Bushnell and dubbed "the American turtle" was twice operated in 1776 by Ezra Lee of Lyme against British craft, once at New York and once at New London, with partial success. Bushnell also devised floating mines to be directed against the British shipping in the Delaware near Philadelphia in 1778, which were prevented by unusual circumstances from being fully effective. This episode was celebrated in a well-known poetical effort of Francis Hopkinson entitled "The Battle of the Kegs."

Connecticut settlers had for some time been engaged in establishing a new Connecticut county, called Westmoreland, in the Wyoming Valley of Pennsylvania. In July, 1778, their settlements were attacked by Colonel John Butler and a band of Indians, who massacred most of the men and compelled the women and children to trudge painfully and sorrowfully back to Connecticut. The following summer, however, full vengeance was wreaked by General Sullivan's campaign against the Iroquois, in which many Connecticut men participated. Not a few of them picked out eligible sites for settlements which they helped to found in central and southern New York in later years.

With muster rolls approximating 40,000 names there is no doubt that Connecticut furnished more soldiers

during the struggle for independence than any other state except Massachusetts, New York, and Virginia, which were much more populous. Inasmuch as the records for the three other states reveal numerous enlistments for very short terms, it is not unlikely that in a comparison on the basis of number of day's service rendered, the soldiers of Connecticut would surpass New York and Virginia, and compete closely with Massachusetts for first honors. Though the records show instances when Washington commended Connecticut troops, they also reveal that he had occasions for expressing unfavorable judgments of them. Soldiering in the Revolutionary army was not a life of ease and glory, and military discipline did not seem to harmonize with independence, so the number of desertions was large. In a single Connecticut regiment, selected by chance as a sample, there were 553 privates, of whom 126 were listed in the rolls as deserters. Their dishonorable behaviour, however, enhances the credit of those who loyally stood by their colors. In the same regiment, which was one of those that wintered at Valley Forge, 69 died in service, 4 were killed in action, 19 were taken prisoners, and 17 were recorded in the rolls as missing.

Connecticut's distinctive service to the Revolutionary cause was in furnishing provisions and other supplies. The general assembly of Connecticut appointed Captain Joseph Trumbull of Lebanon, eldest son of the colony's governor, commissary general as early as April, 1775. His activity in getting supplies to the forces around Boston so impressed Washington that, a week after assuming command, he recommended to the Continental Congress the selection of Trumbull as commissary general for the United forces. The appointment was made and Trumbull remained in service for about two years, dying shortly

after resigning his commission. He was soon replaced by another Connecticut citizen, Jeremiah Wadsworth of Hartford, whose service continued until near the close of the war. To both Trumbull and Wadsworth, Peter Colt of New Haven, later of Hartford, was deputy commissary. The transportation of supplies from Connecticut to the army camps was performed by a large number of teamsters and teams recruited, apparently under contract, within the state.

Jonathan Trumbull, Jr., Joseph's younger brother, was paymaster general of the Continental army for the Northern Department, until he became a member of Washington's staff. John Pierce of Litchfield began as assistant paymaster general, later became deputy paymaster general, and from 1781 to 1788 was paymaster general of the army of the United States. The eminent surgeon, Philip Turner of Norwich, was surgeon general of hospitals in the Continental army for the Eastern Department. At least three distinguished names appear on the list of Connecticut men who served as army chaplains. Timothy Dwight of New Haven, later president of Yale, and Abraham Baldwin of Guilford, who later represented Georgia in congress, were chaplains of General Parsons's brigade, and Joel Barlow of Redding, who later attained fame as an author, shortly after graduating from Yale became chaplain of a Massachusetts brigade with which he served until the end of the war. Throughout the war a small bodyguard was maintained for Washington. In all, twenty-five Connecticut men served in this organization, mainly during the latter part of the war, and in 1781 one of them, Lieutenant William Colfax¹² of New London, became the commander, and served in

¹² Grandfather of Schuyler Colfax, vice-president of the United States, 1869-1873.

that capacity until the guards were disbanded in 1783. The custody of prisoners of war, both Tories and soldiers captured in action, was another wartime obligation shouldered by Connecticut. Some of these were confined in the famous Newgate prison, in East Granby, but others were detained in the local jails or assigned out under parole.

To defray the cost of such extensive participation in the struggle for independence, Connecticut found itself compelled to raise large sums of money. Probably more than any other state Connecticut secured these funds from taxes levied and collected during the war years. It has been estimated that Connecticut as a state expended over \$20,000,000 for war purposes between 1775 and 1783. When in 1790 Hamilton, as secretary of the treasury, undertook the assumption of the state debts which were hanging over from the War for Independence, it was found that Connecticut had still outstanding obligations of only \$1,600,000 which were eligible for assumption by the national government. Even these facts fail to reveal fully the financial burden which the citizens of Connecticut bore during the war, since considerable sums were also expended through the towns and by individual action.

Connecticut is also notable among the states for the small proportion of the population which was not actively loyal to the patriot cause. Consequently, the history of the state is surprisingly free from the tales of conflicts between the loyalists and patriots. The number of Tories was small and chiefly confined to the southwestern part of the state. Incidentally, it is curious to observe that of Connecticut's generals, Putnam, Spencer, Arnold, Parsons, and Huntington came from the section east of the Connecticut River, while the other two, Wooster and

Paterson, came from no farther west than Stratford and New Britain.

The record of Connecticut's coöperation with Washington in winning the struggle for independence would be incomplete without further recognition of the distinguished services, military and civic, of a considerable number of the state's most eminent citizens. A few days after Washington's appointment as commander in chief, the Continental Congress commissioned four major generals and eight brigadier generals. Of these four major generals, as already noted, Israel Putnam, a native of Massachusetts but a long-time resident of Brooklyn, Connecticut, proved to be Washington's most active and reliable colleague. Of the eight brigadier generals, David Wooster was a native of Stratford, and Joseph Spencer, of East Haddam. After participating in the Canadian campaign Wooster resigned his commission but in 1777, while serving as a militia officer, he died of wounds received in the battle of Ridgefield. Spencer did not resign his commission until 1778, when congress proposed to investigate the pardonable failure of his campaign in Rhode Island. It is worthy of note that Putnam, Wooster, and Spencer were all veteran officers of the French and Indian War, and that Wooster had served at Louisbourg in King George's War.

In addition to the original four major generals, twenty-five officers were later advanced to that rank, of whom six were foreigners, and nineteen were promoted from the grade of brigadier general. Of this number three were natives of Connecticut, Spencer already mentioned, Benedict Arnold who was born in Norwich, and Samuel Holden Parsons whose birthplace was in Lyme. Arnold had fully earned the recognition by his share in the Ticonderoga and Canadian campaigns and in later

events, including the battle of Ridgefield, and was to win yet brighter laurels at Saratoga, only to lose them by his amazing treachery at West Point. Arnold was a difficult person to handle. He seems to have had a faculty not only for feats of brilliant daring but also for rash blunders. With these characteristics he coupled a sensitive, jealous nature. The record of Washington's relations with him reveals the tact and forbearance of the commander in chief which Arnold so badly requited.

Parsons, a nephew of Matthew Griswold, Trumbull's successor as governor, was already an astute politician and an active patriot leader. In 1775, he formed a little group which planned the seizure of Fort Ticonderoga, and then, as colonel of one of the early Connecticut regiments, he shared in the leaguer of Boston. He won his commission as brigadier general in connection with the battle of Long Island. Throughout the remainder of the war he was constantly in service in the vicinity of New York, and when Putnam was invalided in 1779 he was advanced to the rank of major general and to larger responsibilities of command immediately under Washington. Many years later charges of treasonable correspondence with the enemy in the summer of 1781 were brought against Parsons, on the basis of a letter found in the papers of Sir Henry Clinton. Every known fact in Parsons's career renders the accusation of treason preposterous. Plausible explanations for the letter have been adduced; for instance, it may have been a measure of counter-espionage. After living in Middletown for several years following the close of the war, General Parsons was associated with the establishment of the first settlements in Ohio, where he was drowned in 1789.

Besides Spencer, Arnold, and Parsons who became major generals, and Wooster, one other Connecticut

citizen was commissioned a Continental brigadier general. He was Jedidiah Huntington, a native of Norwich and a son-in-law of Governor Trumbull. Huntington was, moreover, the only one of the Connecticut Continental generals whose career was not touched with ill-fortune. As the youngest of the group, Huntington was only a captain in the forces which hurried to Cambridge after the alarm of Lexington, and he did not rise to important service and his brigadier's commission until 1777, when he shared in the campaign around Philadelphia. After the battle of Monmouth his services were mainly under Washington in the vicinity of New York. When Washington became president he appointed Huntington collector of customs at New London, in which post he remained for twenty-six years. Huntington was one of the officers principally active in organizing the Society of the Cincinnati. Though Brigadier General John Paterson was commissioned as a citizen of Massachusetts, he was a native of New Britain, Connecticut. After serving in the Canadian and Saratoga campaigns, Paterson was on duty in the vicinity of New York until the end of the war, and in 1786 participated in suppressing Shays's rebellion.

The list of general officers of the state militia included a number of notable names, and several of these officers rendered services of high importance during the war. Governor Jonathan Trumbull was captain general and commander in chief of the militia. Five individuals held the rank of major general: David Wooster and Joseph Spencer, already mentioned, and Jabez Huntington of Norwich, James Wadsworth of Durham, and Oliver Wolcott¹³ of Litchfield. The militia was divided into six brigades. The brigadier generals in charge of each were

¹³ The signer of the Declaration of Independence and governor of the state, 1796-1797.

as follows: first, Erastus Wolcott of Windsor, succeeded by Roger Newberry, also of Windsor; second, James Wadsworth, succeeded by Andrew Ward of Guilford; third, Gurdon Saltonstall of New London, succeeded by John Tyler of Preston; fourth, Gold Selleck Silliman of Fairfield, followed by John Mead of Norwalk; fifth, Eliphalet Dyer of Windham, followed by John Douglass of Plainfield; sixth, Oliver Wolcott followed by Selah Heart of Farmington.

In the course of the war, Washington called to his staff, as aides de camp and secretaries, thirty-two men of whom four were from Connecticut. Of these two were sons of Governor Trumbull. John, the artist to whose brush we are indebted for some of the best portraits of Washington, served on the staff during the first two years of the war, while Jonathan, Jr. was similarly employed during the last three years of the struggle. Both were also destined to be associated with Washington's presidential administration. John was secretary to Jay on his famous mission to England in 1794, while Jonathan was a member of congress and the speaker of the house of representatives in the second congress. Samuel Blatchley Webb of Wethersfield was a stepson of Silas Deane. His services as Washington's aide were terminated by his being taken prisoner by the British. He was later exchanged and returned to military service in 1781, when he arranged the Wethersfield conference between Washington and Rochambeau and extended therefor the hospitalities of his family home. In 1789 General Webb held the Bible on which Washington took the inaugural oath as president.

The fourth son of Connecticut to become an aide to Washington was David Humphreys of Derby. After spending the last three years of the war as a member of Washington's staff Humphreys was invited by the re-

tiring commander to accompany him to Mt. Vernon where he continued for about a year in a secretarial capacity. After a period of diplomatic service in Europe he was again associated with Washington at Mt. Vernon and New York as secretary until he was appointed, in 1790, the first United States minister to Portugal and afterwards minister to Spain. In later life Humphreys was a resident of New Haven. Though by no means so brilliant as Alexander Hamilton, Humphreys lived in closer intimacy with the general than did Hamilton or any of his other aides, and Washington continued to turn to him with entire confidence for counsel and advice.

With the governors of the several states during the struggle for independence, Washington's contacts were usually both scanty and formal. Perhaps more than to all the others combined did he turn to Connecticut's governor, Jonathan Trumbull, for conference and coöperation, and he never called in vain. The little group of state officers that Trumbull gathered about him in his "War Office" at Lebanon, throughout the eight years of the struggle, not only held their meetings with amazing regularity, but rendered unceasing and generous aid to the winning of the war. Washington has left on record his deep appreciation of the services of Governor Trumbull whom he familiarly called "Brother Jonathan." Throughout his term the office of lieutenant governor was ably filled by Matthew Griswold of Lyme who succeeded Trumbull in the governorship.

Another son of Connecticut, Silas Deane, a native of Groton, and long a resident of Wethersfield, rendered conspicuous service to the cause of independence. After representing Connecticut in the Continental Congress, Deane was sent, in 1776, to France as a secret diplomatic agent to secure the friendship and aid of that country.

Three important achievements testify to the success of his efforts. He effected an arrangement in which the famous dramatist, Beaumarchais, acted as secret intermediary on behalf of France in sending important shipments of arms, munitions, and other supplies to aid Washington in the conduct of the war. He stirred up a lively interest in the American cause and enlisted for its support Lafayette, DeKalb, and others. Later on, having been joined by Benjamin Franklin and Arthur Lee, he had the supreme success of signing, jointly with them, the treaty of alliance between France and the United States in 1778, which contributed so effectively to the victorious conclusion of the struggle for independence. Unfortunately Deane's enthusiasm sometimes outran his discretion, and furthermore, friction developed with his ill-tempered colleague, Lee. As a result he became involved in a controversy with the Continental Congress over his financial accounts. Smarting under the injustice of the situation in which he found himself, he grew embittered and retired to England where he died a decade later. More than a half century after his death congress finally vindicated his memory and made a financial settlement with his heirs.

Connecticut was ably represented in the Continental Congress. Four of the delegates, Samuel Huntington of Windham, Roger Sherman of New Haven, William Williams of Lebanon, and Oliver Wolcott of Litchfield, were signers of the Declaration of Independence. Samuel Huntington was also president of the Continental Congress from 1779 to 1781. While he was serving in this capacity the Articles of Confederation were finally ratified and went into effect so that the Continental Congress had become the Congress of the Confederation, with him as its first president. Seven of these representa-

tives were later to serve in the senate or the house, or both, under the Constitution of 1787. They were Oliver Ellsworth, William Samuel Johnson, Roger Sherman, Stephen Mix Mitchell, Benjamin Huntington, Jonathan Sturges, and Jeremiah Wadsworth, who had also been commissary general of the Revolutionary army. In all, twenty-four different persons represented Connecticut in the Continental Congress or the Congress of Confederation. In addition to those already mentioned, there were Silas Deane; Eliphalet Dyer of Windham; Titus Hosmer of Middletown; Richard Law, who later served as New London's first mayor from 1784 to 1806, and who was appointed by President Washington as the first United States district judge for Connecticut, in which capacity he served for seventeen years; General Joseph Spencer; and General James Wadsworth of Durham.

As president, Washington turned to Connecticut for one of his cabinet officers. Oliver Wolcott, Jr., who had served as auditor, and later as comptroller of the treasury under Alexander Hamilton, was chosen in 1795 to succeed Hamilton as secretary of the treasury, in which post he continued until 1800. In later life he was for a decade the first governor of Connecticut under the constitution of 1818. In 1796 Washington turned to Connecticut for the third chief justice of the supreme court of the United States, Oliver Ellsworth, who served in that capacity until 1800. Mention has already been made of three other appointments by Washington to federal offices: General Jedidiah Huntington, David Humphreys, and Richard Law.

To the senate and house of representatives during Washington's administration Connecticut sent an illustrious group of members who rendered loyal and valued service in launching the new government under the con-

stitution. These included, in the first place, the three men who had represented Connecticut in the convention which had framed the Constitution of the United States at Philadelphia in 1787, Oliver Ellsworth, William Samuel Johnson, and Roger Sherman. In the constitutional convention Ellsworth, who was a native of Windsor, had played an important part in securing the famous compromise between the interests of the smaller and larger states. In the senate his most conspicuous contribution was in framing the Judiciary Act of 1789, which has remained the basic law regulating the national judiciary system. Johnson, a native of Stratford, had served in the Stamp Act Congress in 1765 and retired from the senate in 1791 to become president of Columbia College of which his father had been the first president. Sherman, who was a native of Newton, Massachusetts, was a long time resident of New Haven, of which he served as first mayor from 1784 until his death in 1793, in addition to holding the federal offices already enumerated. Four other men served as senators from Connecticut during a portion of Washington's administration; Stephen Mix Mitchell of Wethersfield, who had a long and eminent service in the state's judiciary; James Hillhouse, a native of Montville but a long-time resident of New Haven, who was for fifty years treasurer of Yale College; Uriah Tracy of Franklin; and Jonathan Trumbull, Jr., of Lebanon, who later served as governor of the state from 1798 until his death in 1809. Of these seven senators, Johnson, Mitchell, Hillhouse, and Tracy were graduates of Yale, while Ellsworth was graduated from Princeton, and Trumbull from Harvard. Of the seven Sherman, Hillhouse, Tracy, and Trumbull had all been members of the house of representatives before being elected to the senate, and Trumbull had been speaker of the house during the

second congress from 1793 to 1795. In addition to these four, eleven other Connecticut men served in the house of representatives while Washington was president. They were Benjamin Huntington, who was the first mayor of Norwich from 1784 to 1796, Jonathan Sturges of Fairfield, General Jeremiah Wadsworth of Hartford, Amasa Learned of Killingly, Joshua Coit of New London, Zephaniah Swift of Windham, who was later chief justice of the state's supreme court from 1806 to 1819, Samuel Whittlesey Dana, who was later mayor of Middletown from 1822 to 1829, James Davenport of Stamford, Chauncey Goodrich, a native of Durham, who was mayor of Hartford for several years and later United States senator from the state, Roger Griswold of Lyme, later governor of the state from 1811 to 1812, and Nathaniel Smith of Woodbury. Of these eleven representatives eight were Yale graduates, Huntington, Sturges, Learned, Swift, Dana, Davenport, Goodrich, and Griswold, while Coit had received his degree from Harvard.

At least four native sons of Connecticut sat in congress in the period of Washington's administration as representatives from other states. Abraham Baldwin of Guilford, after representing Georgia in the Congress of the Confederation and in the constitutional convention of 1787, served as a member of the house from 1789 to 1799, when he was elected to the senate. Stephen R. Bradley of Wallingford was senator from Vermont from 1791, when the state was admitted to the Union, until 1795 when he was succeeded by Elijah Paine of Brooklyn, Connecticut, while Israel Smith of Suffield was member of congress from Vermont from 1791 to 1797. Baldwin, Bradley, and Smith were Yale graduates but Paine had received his degree from Harvard.

It is a matter of genuine interest to citizens of Con-

necticut that Washington repeatedly journeyed through their state, and especially that he held within its borders two conferences of potent importance in the struggle for independence. With justifiable pride the people of Connecticut may remember that their forefathers stood shoulder to shoulder with Washington throughout the whole War for Independence, always bearing their full share in the toils, sufferings, and triumphs of that great struggle in which the nation's freedom was won. In the Continental Congress, in the Congress of the Confederation, and in the constitutional convention of 1787 Connecticut's delegates contributed, with wise counsel and devoted loyalty, to laying the foundations of the nation's government. In this respect their contribution undoubtedly had a unique value because the colonial governmental experience of Connecticut resembled more closely than that of any of the other states, the new national government which they helped to establish. When the new federal government under the Constitution of 1787 began to function with Washington as president, he found among his trusted advisers and faithful co-workers a full quota of Connecticut men whose faithful coöperation helped to establish firmly the bases of the new government. Through more than seven score years which have since elapsed Connecticut has consistently maintained the lofty standards set by its sons who labored so wisely and so loyally as the co-workers of the Father of our country.

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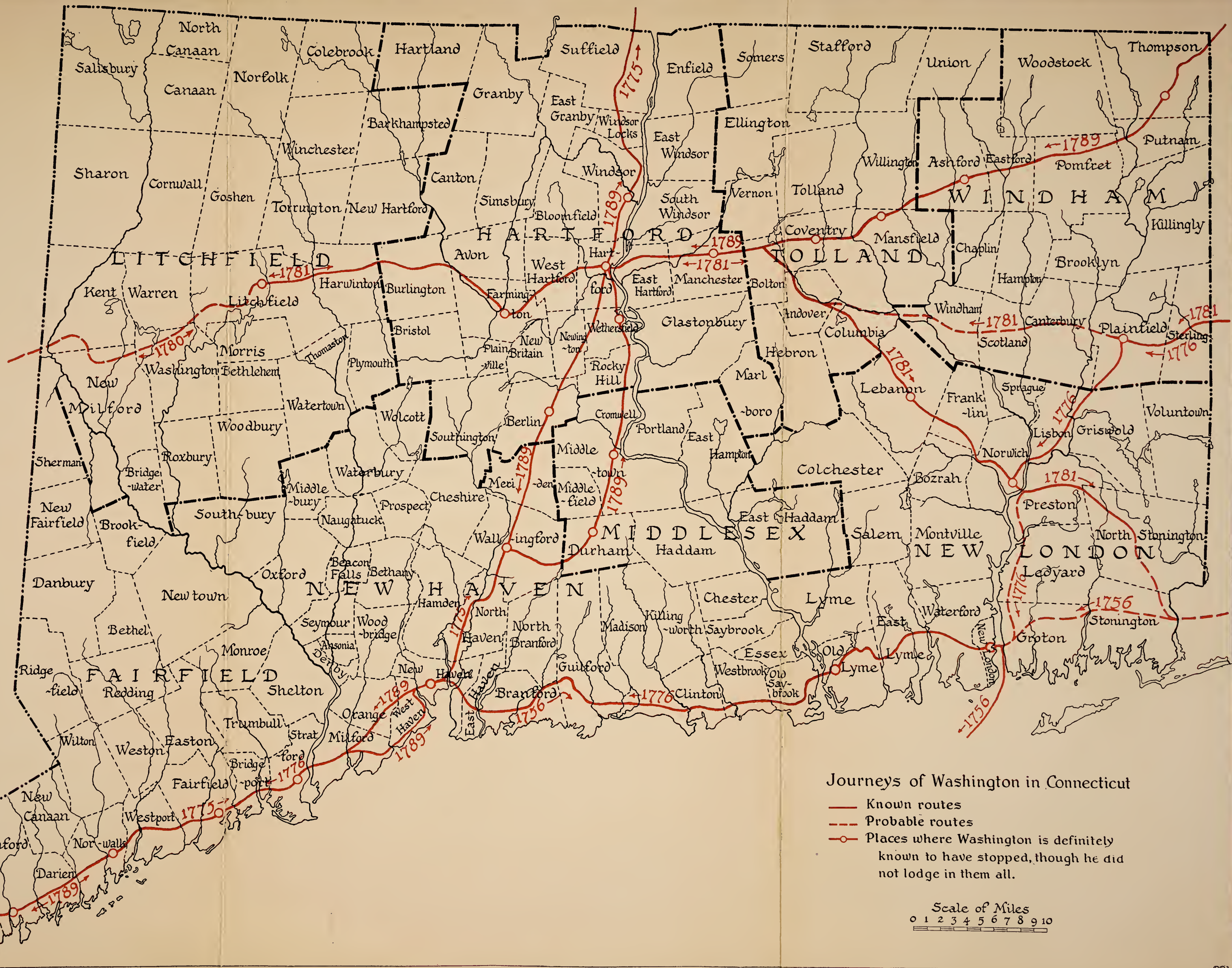
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Journeys of Washington in Connecticut

- Known routes
- - - Probable routes
- Places where Washington is definitely known to have stopped, though he did not lodge in them all.

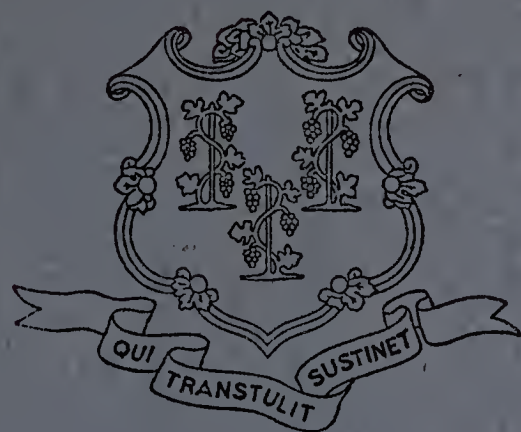
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Connecticut History
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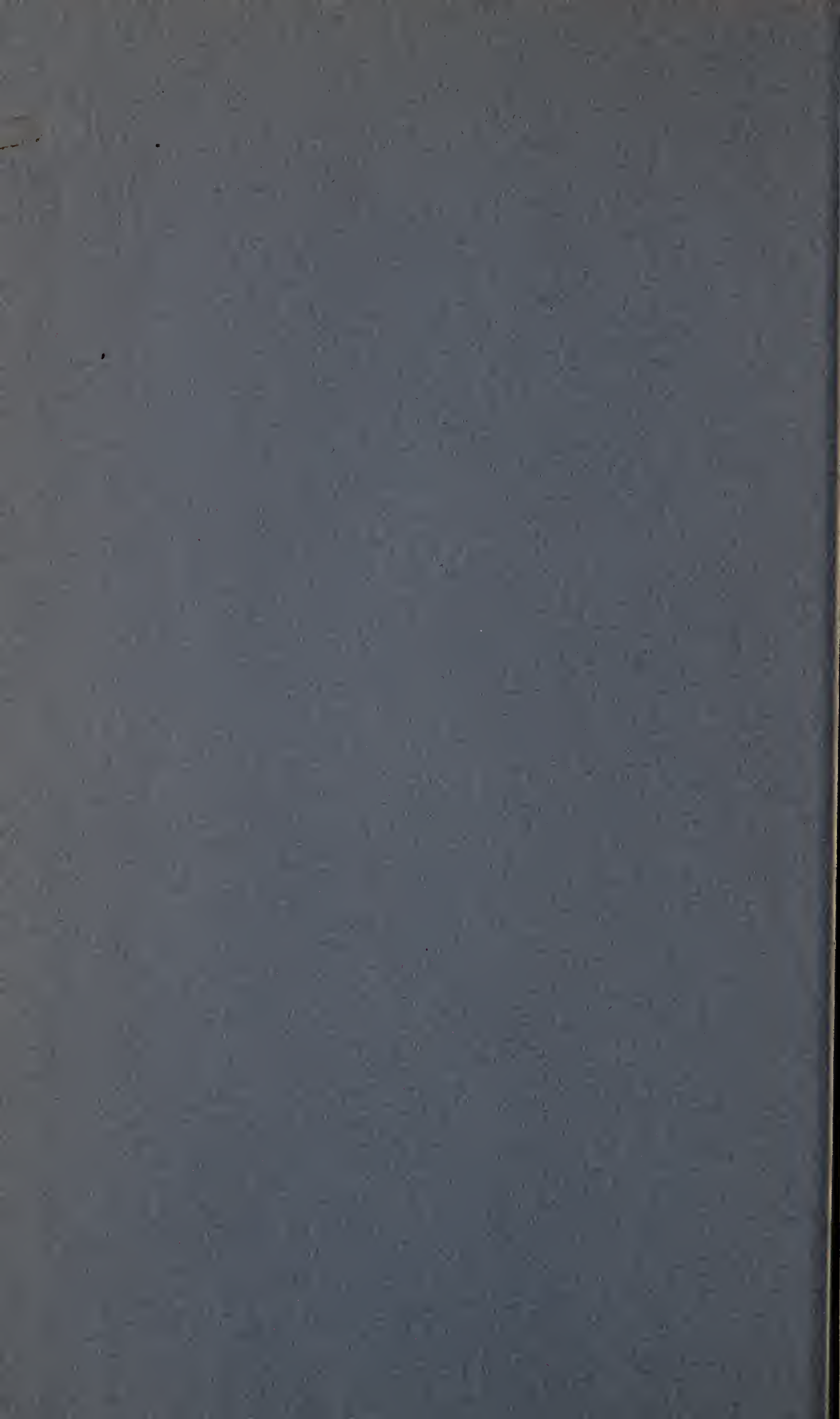


COMMITTEE ON
HISTORICAL PUBLICATIONS

*The Discoverer of Anæsthesia:
Dr. Horace Wells of Hartford*

PUBLISHED FOR THE TERCENTENARY COMMISSION
BY THE YALE UNIVERSITY PRESS

1933



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COMMITTEE ON HISTORICAL PUBLICATIONS

*The Discoverer of Anæsthesia:
Dr. Horace Wells of Hartford*

HENRY WOOD ERVING

THESE is probably no intelligent or thoughtful person at the present time who does not consider anæsthesia—insensibility to pain produced at will—one of the greatest and most wonderful of modern blessings; but one who, himself, has been under the surgeon's knife without suffering or dread—or more especially one who has seen his loved ones quieted, comforted, and their anguish subdued by its means, will ever regard anæsthesia as the very greatest gift of science, and its discoverer as perhaps the first of all the benefactors of humanity.

On March 26, 1660, Samuel Pepys records—"This day it is two years since it pleased God that I was cut for the stone at Mrs. Turner's in Salisbury Court." And he noted his resolve to celebrate the anniversary of this day as long as he lived, as a festival of thanksgiving.

A friend once described to me a similar operation without anæsthetics, which he witnessed about the middle of the last century—a shuddery picture; and one may pos-

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sibly imagine the unspeakable suffering following battles, the agony of operations, the throes of childbirth, and the manifold pains which from these and other causes formerly everywhere prevailed, and are now eliminated or ameliorated by means of this blessed agency, and then give thanks that this tremendously important discovery was made before his time.

While the exhilarating and stupefying effects following the inhalation of the fumes of sulphuric ether and of nitrous oxide gas had been known for a considerable period, and although it is freely admitted that several minor surgical operations made painless by the aid of sulphuric ether fumes were performed by Dr. C. W. Long of Jefferson, Georgia, as early as 1842, it is apparent that he attached little surgical significance to such experimental work, nor made any attempt to follow it up to possible greater and more important results. Thus, it now seems to be generally recognized by medical and scientific authorities that Horace Wells, a dentist in Hartford, Connecticut, was the real discoverer of the great principle of anæsthesia and of its enormous value and importance to surgery.

Dr. Wells believed such an attainment possible, and was eagerly and continuously searching for a method and means to bring it about.

The late Dr. Ernest A. Wells of Hartford, in a paper read before the New England Surgical Society in 1924, has related very fully the whole important history. Certain minor and perhaps unimportant happenings, however, connected with the immediate occurrence, which Dr. Wells mentions in a general way, are so vividly impressed upon my memory, when, as a very young man, I listened to the narrative from the lips of those who were

present on the historic occasion, when the very idea was born, that perhaps it may be worth while to record them.

Dr. Horace Wells died before I was born, but I, myself, knew the other three of the four actors in the drama and often saw them in later life, and Mr. Charles T. Wells, son of Horace, was an intimate friend.

With the present vast number and variety of *entertainments*, it is difficult to imagine their paucity in Hartford, at least, seventy or more years ago. Lectures there were on numerous topics and were well attended. Illustrated lectures came much later. Occasionally a "panorama" was to be seen. One illustrating *Pilgrim's Progress*, for instance, was freely advertised in Sunday and week-day schools. The "panorama" consisted of scenes painted with more or less art on long strips of canvas, eight or ten feet in width, which were attached to vertical rollers and exhibited in a large open space on the stage, a person in front with a long pointer being the lecturer. I recall, too, when quite a small boy, attending a show of tiny marionettes, given in American Hall, in the American Hotel building east of the post office, which was demolished but a few years since. This I remember interested me greatly, insomuch that I tried subsequently to make certain moving figures myself and thus have a show of my own. These halls were equipped with long movable wooden benches or settees, with spindle backs and a wide top-rail, the edge of which was square and as sharp as possible. For dances these could be readily moved and piled up at the sides.

On the evening of December 10, 1844, there was an exhibition of the effects of the so-called "Laughing Gas," preceded by a short lecture given by a Dr. Colton who then, and for many years after, made these entertain-

ments his sole occupation.¹ This took place probably in Union Hall, located on the corner of Main and Pearl Streets, the site now occupied by the Hartford National Bank & Trust Company.

Horace Wells was born in Vermont, in 1815, and was in Hartford practicing dentistry as early as 1838, at that time with an office at No. 162½ Main Street. In 1844, however, according to the directory of that date, he was located at No. 8 Asylum Street. In 1847 his office is given at No. 180½ Main Street where also Dr. John M. Riggs, who apparently came to Hartford only a year or two previously, had his office in 1844. It was in the latter's office, in the second story of the building on the south corner of Main and Asylum Streets, that the great experiment was consummated.

Samuel A. Cooley, the fourth participant in this event, was a young man whose name first appears in the city directory in 1843, where he is then described as a drug clerk, probably at the shop of Abial A. Cooley, Druggist and Apothecary, on Front Street. "Colonel" Cooley, as he was subsequently called—I never knew whence the title—seems to have been later engaged in a variety of occupations—daguerreotyper, pistolmaker, railroad station-master, and mail route agent.

It was in the early sixties that I came to know something of these worthies. Dr. Riggs was one of the half-dozen older residents on Prospect Avenue, Hartford, when I went out there to live over fifty years ago, and I can now readily visualize Colonel Cooley as he later appeared, with a closely trimmed brown beard, walking

¹Colonel Samuel Colt, the inventor of the revolver, and proprietor of the great arms factory in Hartford, was himself a showman in the thirties, and in at least one advertisement in Portland, Maine, October 13, 1832, advertised, under the name of Dr. S. Coult, practical chemist, an exhibition showing the effects of nitrous oxide gas.



MARINE LIST.

PORT OF HARTFORD.



ARRIVED.

- Dec. 6. Steam Schr. Uncas, Mills, New York.
Sloop Belie. Brooks, Albany.
" Merchant, Babcock, New York.

SAILED.

9. Steam Schr. Mohawk, Clark, New York.

A GRAND EXHIBITION of the effects produced by inhaling **NITROUS OXIDE, EXHILARATING or LAUGHING GAS!** will be given at **UNION HALL, THIS (Tuesday) EVENING, Dec. 10th, 1844.**

FORTY GALLONS OF GAS will be prepared and administered to all in the audience who desire to inhale it.

TWELVE YOUNG MEN have volunteered to inhale the Gas, to commence the entertainment.

EIGHT STRONG MEN are engaged to occupy the front seats, to protect those under the influence of the Gas from injuring themselves or others. This course is adopted that no apprehension of danger may be entertained. Probably no one will attempt to fight.

THE EFFECT of the Gas is to make those who inhale it either Laugh, Sing, Dance, Speak or Fight, &c., &c., according to the leading trait of their character. They seem to retain consciousness enough to not say or do that which they would have occasion to regret.

N. B. The Gas will be administered only to gentlemen of the first respectability. The object is to make the entertainment in every respect a genteel affair.

MR. COLTON, who offers this entertainment, gave two of the same character last Spring, in the Broadway Tabernacle, New York, which were attended by over four thousand ladies and gentlemen, a full account of which may be found in the New Mirror of April 6th, by N. P. Willis. Being on a visit to Hartford, he offers this entertainment at the earnest solicitation of friends. It is his wish and intention to *deserve* and receive the patronage of the first class. He believes he can make them laugh more than they have for six months previous. The entertainment is *scientific* to those who make it scientific.

Those who inhale the Gas once, are always anxious to inhale it the second time. There is not an exception to this rule.

No language can describe the delightful sensation produced. Robert Southey, (poet) once said that "the atmosphere of the highest of all possible heavens must be composed of this Gas."

For a full account of the effect produced upon some of the most distinguished men of Europe, see Hooper's Medical Dictionary, under the head of Nitrogen.

MR. COLTON will be the first to inhale the Gas.

The History and properties of the Gas will be explained at the commencement of the entertainment.

The entertainment will close with a few of the most surprising **CHEMICAL EXPERIMENTS.**

MR. COLTON will give a private entertainment to those Ladies who desire to inhale the Gas, **TUESDAY**, between 12 and 1 o'clock, **FREE.** None but Ladies will be admitted. This is *intended* for those who desire to inhale the Gas, although others will be admitted.

Entertainment to commence at 7 o'clock. Tickets 25 cents—for sale at the principal Bookstores and at the Door.
dec 10 1d

(From—Hartford Courant, Dec. 10, 1844)

briskly through the streets, apparently full of nervous vigor. Dr. Colton I met on many occasions, as his manager for a number of years, Mr. Thomas Collins, was an old friend of my father's and at our home he was always a guest during his engagements in Hartford. Consequently, there were free passes to the show for the boys, and so infrequent were entertainments which we could possibly attend, that no opportunity was ever neglected.

The gas used in these lectures by Dr. Colton was contained in a rubber bag, and was administered through a horrible wooden faucet, similar to the contraptions used in country cider barrels. It was given in quantities only sufficient to exhilarate or stimulate the subjects, and reacted upon them in divers and sundry ways. Some danced, some sang, others made impassioned orations, or indulged in serious arguments with imaginary opponents, while in many instances the freaks of the subjects were amazing, and thus I personally witnessed a number of incidents precisely like the one which inspired Dr. Wells' investigation.

Dr. Colton, after a short lecture regarding the nature and properties of the gas, always took the first dose himself—self-administered—declaiming quite wonderfully afterwards, and invariably winding up with his hand to his head and the remark, "The effect now is nearly gone." Volunteers were invited to the stage, and the row of seats was soon filled, and I might add that these and other lectures seemed always to have audiences composed of the best type of citizens.

On the evening of December 10, Dr. Wells was present, searchingly watching every movement of those engaged, with the most fervent interest. At length "Sam" Cooley took the gas and proved to be an interesting subject. He

careered about the stage in an extraordinary manner when suddenly he espied in the audience an imaginary enemy and sprung over the ropes and after him. The innocent spectator, frightened out of his seven wits, summarily abandoned his seat and fled, running like a deer around the hall with Cooley in hot pursuit, the audience on its feet applauding in delight. The terrified victim finally dodged, vaulted over a settee and rushed down an aisle, Cooley a close second. Half way to the front the pursuer came to himself, looked about foolishly, and amid shouts of laughter and applause slid into his seat near to Dr. Wells. Presently he was seen to roll up his trousers and gaze in a puzzled sort of way at an excoriated and bloody leg.

"How did that happen, Sam"? exclaimed the doctor.

"I've no idea," Cooley replied, "it's the first I knew of it." He had scraped his shin on the sharp back of the settee when he sprung over it.

"Didn't you feel it at all"? exclaimed Dr. Wells.

"Not at all," said Sam, "I just now felt a little smarting on my shin and looked." And there and then was the great discovery made!

Dr. Wells was tremendously excited, and on the very next morning, Dr. Riggs in his office, with Dr. Colton giving the gas—a larger quantity than anyone had ever before inhaled—extracted, after insensibility had been effected, a molar from Dr. Wells' jaw, with no pain whatever on the part of the patient. A great event had taken place—it was a momentous occasion.

After this, both Dr. Wells and Dr. Riggs used the gas frequently for the painless extraction of teeth, and it would appear that much general interest in the subject

of anæsthesia prevailed about this time,² but following this one glorious, triumphant moment, the rest of Dr. Wells' life story is distressing.

During the next year, 1845, he went to Boston in order to interest the medical men of that city. He met Dr. Warren of the Massachusetts General Hospital, and arranged to use the gas to assist in a surgical operation, but it is supposed that the gas supply was not continued long enough, the patient cried out and the students at the clinic booed and jeered. There appears to have been two opposite opinions regarding the occurrence, however; some declared it to be a failure and as many insisted that it was a complete success. Be that as it may, Dr. Wells, who was an extremely sensitive man, returned home quite disheartened.

It was after his return from this unsatisfactory visit to Boston (possibly after his return later from Paris), that on December 7, 1846, he wrote a very temperate letter to the editor of the *Connecticut Courant*, explaining certain features of the Boston clinic and remarking on the claim of Morton and Jackson made after his Boston demonstration, at which time he met and fully explained his discovery to both of these persons. This communication I have never seen reprinted, and I consider it of sufficient importance to include in this narration.

Hartford, Dec. 7, 1846.

MR. EDITOR:

You are aware that there has been much said of late respecting a gas, which, when inhaled, so paralyzes the system as to render it insensible to pain. The Massachusetts General Hospital has adopted its use, and amputations are now being

²I recall that Dr. Asa Newton, dentist, who I think came to Hartford about 1851-2 and had his office over Talcott and Post's store on the north corner of Pratt and Main Streets, displayed a sign at the entrance reading thus: "A. Newton, Surgeon Dentist.—Gas administered a la Dr. Colton."

performed without pain. Surgeons generally throughout the country, are anxiously waiting to know what it is, that they may make a trial of it, and many have already done so with uniform success. As Doctors Charles T. Jackson and W. T. G. Morton of Boston claimed to be the originators of this invaluable discovery, I will give a short history of its first introduction, that the public may decide to whom belongs the honor.

While reasoning from analogy, I was led to believe that the inhaling of any exhilarating gas, sufficient to cause a great nervous excitement, would so paralyze the system as to render it insensible to pain, or nearly so; for it is well known that when an individual is very much excited by passion, he scarcely feels the severe wounds which may at the time be inflicted, and the individual who is said to be "dead drunk" may receive a severe blow without the least pain, and when in this state is much more tenacious of life than when in the natural state. I accordingly resolved to try the experiment of inhaling an exhilarating gas myself for the purpose of having a tooth extracted. I then obtained some nitrous oxide gas, and requested Dr. J. M. Riggs to perform the operation at the moment that I should give the signal, resolving to have the tooth extracted before losing all consciousness. This experiment proved to be perfectly successful—it was attended with no pain whatever. I then performed the same operation on twelve or fifteen others with the same results.

I was so elated with this discovery that I started immediately for Boston, resolving to give it into the hands of proper persons, without expecting to derive any pecuniary benefit therefrom. I called on Drs. Warren and Hayward and made known to them the rest of the experiments I had made. They appeared to be interested in the matter, and treated me with much kindness and attention. I was invited by Dr. Warren, to address the medical class upon the subject, at the close of his lecture. I accordingly embraced the opportunity and took occasion to remark that the same results would be produced, let the nervous system be excited sufficiently by any means whatever; that I had made use of nitrous oxide gas or protoxide of nitrogen, as being the most harmless. I was then invited to administer it to one of their patients, who was ex-

pecting to have a limb amputated. I remained some two or three days in Boston for this purpose, but the patient decided not to have the operation performed at that time. It was then proposed that I should administer it to an individual for the purpose of extracting a tooth. Accordingly a large number of students, with several physicians, met to see the operation performed—one of their number to be the patient. Unfortunately for the experiment the gas bag was by mistake withdrawn much too soon, and he was but partially under its influence when the tooth was extracted. He testified that he experienced some pain, but not as usually attends the operation. As there was no other patient present, the experiment could not be repeated and as several expressed their opinion that it was a humbug affair (which in fact was all the thanks I got) I accordingly left the next morning for home. While in Boston, I conversed with Drs. Charles T. Jackson and W. T. G. Morton, upon the subject, both of whom admitted it to be entirely new to them. Dr. Jackson expressed much surprise that severe operations could be performed without pain, and these are the individuals who claim to be the inventors. When I commenced giving the gas, I noticed one very remarkable circumstance attending it, which was that those who sat down resolving to have an operation performed under its influence, had no disposition to exert the muscular system in the least, but would remain quiet as if partially asleep. Whereas, if the same individuals were to inhale the gas under any (other) circumstances it would seem impossible to restrain them from over exertion.

I would here remark, that when I was deciding what exhilarating agent to use for this purpose, it immediately occurred to me it would be best to use nitrous oxide gas or sulphuric ether. I advised with Dr. Marcy of this city, and by his advice I continued to use the former, as being the least likely to do injury, although it was attended with more trouble in its preparation. If Drs. Jackson and Morton claimed that they used something else, I replied that it is the same in principle, if not in name, and they cannot use anything which will produce more satisfactory results, and I have made those results known to both of these individuals more than a year since.

After making the above statements of facts, I leave it for

the public to decide to whom belongs the honor of this discovery.

Yours truly,
HORACE WELLS, *Surgeon Dentist*.

It is known that a young man named William Morton, who seems to have been little qualified as a dental practitioner,³ was at one time, for a short period, associated with Dr. Wells—a connection that could not long endure, and to whom he imparted and illustrated all the information he had thus far gained in his study of anæsthesia. Morton, who subsequently went to Boston, with the assistance of a medical doctor there of the name of Jackson, manufactured nitrous oxide gas and utilized the fumes of sulphuric ether as well, disguising the latter by the use of perfumes, and this product was successfully used by them in operations conducted by the surgeons of the Massachusetts General Hospital. Thus they established themselves with the faculty of that institution as the actual discoverers of the great principle of anæsthesia. When it is remembered, however, that they aimed to keep their formula and processes a secret, and even secured patents on their product, both here and abroad, giving them the sole rights to manufacture—thus endeavoring to create a monopoly on this life-saving, essential, merciful agent, and that after the untimely death of Dr. Wells they attempted to purchase from his heirs all the rights of his discovery, it would seem as though they were discredited in the beginning.

³Before the establishment of Dental Schools and Colleges, and before the present legal supervision, there were many practicing dentistry whose only preparation was a period of greater or less duration in some recognized practitioner's office, not even the apprenticeship required of a blacksmith. I knew one such intimately, a considerable portion of whose previous life had been passed in manufacturing and trade, and who subsequently got along very comfortably in a small country town as a dentist.

These events culminated while Dr. Wells was abroad where he had gone to meet the scientific men of Paris, then the great seat of medicine. Here his claims were fully recognized, and he was treated with the utmost respect and consideration; an honorary degree of Doctor of Medicine was conferred upon him, and it was after his return that he met the disappointments and discouragements which led to a breakdown in health resulting in his death in 1848.

The late Dr. Samuel B. St. John of Hartford—Yale College 1866, Columbia University, College of Physicians and Surgeons 1869—a physician of high standing and an ophthalmologist in practice, once related to me a very interesting, as well as amusing incident connected in a way with a medical convention, held in the city of Boston, which he attended, where a friendly discussion took place between him and a distinguished physician of the Massachusetts city, each contending that the discoverer of anæsthesia was of his own town. Dr. St. John, of course, championed Wells, while his friend as strenuously insisted that Messrs. Morton and Jackson were the righteous claimants. There is erected in the city of Boston an imposing monument dedicated

TO THE DISCOVERER OF ANÆSTHESIA

“Why isn’t the great man particularly named”? queried Dr. St. John. “Why anonymous”? It was explained that the discovery itself being the result of joint effort, it seemed wise to glorify both in that impersonal manner, at which Dr. St. John chuckled a bit.

Soon after his return, in crossing Bushnell Park from his residence on Washington Street, having with him his camera, he took a snapshot of the Wells Memorial on the East Park with its simple inscription,

HORACE WELLS
THE DISCOVERER OF
ANÆSTHESIA
DECEMBER 1844

a print of which he sent to his friend with the scriptural reference on the back, *Acts xvii:23*, where, when he “overhauled the volume and made a note on” (after the manner of Captain Cuttle) he would read from Paul’s great address in Athens,

*For as I passed by, and beheld your devotions,
I found an altar with this inscription,*

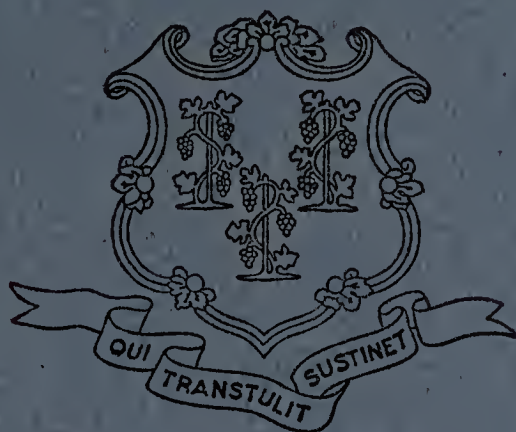
TO THE UNKNOWN GOD.

*Whom therefore ye ignorantly worship,
Him declare I unto you.*

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Connecticut History

TERCENTENARY COMMISSION OF THE
STATE OF CONNECTICUT



COMMITTEE ON
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Connecticut Taxation,
1750—1775

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TERCENTENARY COMMISSION OF THE
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Connecticut Taxation,
1750-1775*

LAWRENCE HENRY GIPSON

I

THE Connecticut towns, in the eighteenth century, were rated by the general assembly for purposes of taxation upon the basis of lists prepared by the local listers. These rolls included the polls of individuals and taxable property. The law made each person who was liable to taxation responsible for returning to the lister of his town a statement in writing of all estate under a fourfold assessment penalty in case of neglect to make a return or to include in the return property that was liable to taxation.¹ The law of the year 1686, "An act for Continuing and Establishing of several Rate Duties and Imports,"² made all males over the age of sixteen years liable to the payment of a poll tax which was fixed at one shilling and eight-

*The two essays contained in this pamphlet are reprinted: the first from *Essays in Colonial History*, Yale University Press, 1931; and the second from *The American Historical Review*, XXXVI, 721-739.

¹ See the law of 1705, *The Public Records of the Colony of Connecticut*, IV, 502-504 (Hereafter cited as *Conn. Col. Rec.*).

² *Ibid.*, III, 4-5, 411.

pence; it also provided that "all real and personal estate, of houses, lands, mills, ships, merchantable goods, cattle and all other known estate," was taxable with a scale of rates for each type of farm animal that placed a maximum of five pounds valuation for a mature ox or a horse; three pounds for a cow, twenty shillings for a mature pig, ten for a sheep and eight for a goat.³ This act was subsequently clarified and modified. In 1703 it was provided that "All personal estate not particularly mentioned in the laws is exempted";⁴ that same year students at the collegiate school were freed from the payment of rates as were already those who were settled ministers;⁵ in 1712 house lots of three acres were given an assessed valuation of "three pounds a lot and proportionally for less"; plough and meadow lands were also, by this act, classified for assessment with those of Hartford County valued at fifteen shillings per acre and plough lands in other counties, at ten shillings; while meadow land in the coast counties was valued at seven shillings and sixpence and the same in other parts of the colony as low as four shillings, if it were boggy.⁶ In 1714 the old rule was changed which gave to the lister three fourths of the fourfold penalty for discovering taxable property upon which no return had been made, by providing that one half of all sums so arising should be paid to him; it also stated that if plough land were fenced it was liable to rating based upon a valuation of ten shillings an acre.⁷ The following year the distinction between plough and meadow land was made clearer in the provision that, for the future, land should be assessed as plough land only for the year in which the crop was harvested; the next

³ *Ibid.*, III, 4-5, 411.

⁵ *Ibid.*, IV, 287, 440.

⁷ *Ibid.*, V, 472-473.

⁴ *Ibid.*, IV, 412.

⁶ *Ibid.*, V, 334-335.

year following it was to be assessed at eight shillings per acre as pasture land and the year it was ploughed for the ensuing year's harvest it was to be rate free as were also all lands for a period of four years subsequent to clearing and enclosing.⁸

According to the law as it stood in the year 1750, all males between the ages of sixteen and seventy years of age with property valued at eighteen pounds or over were liable to payment of rates with certain exceptions, which included officers of state, ministers, college tutors, schoolmasters, and students. In the valuation of land, house lots of three acres were rated at twenty shillings, upland pasture land stood at eight shillings an acre, meadow land in Hartford County at fifteen shillings per acre as before, and in other counties at seven shillings and sixpence per acre, and boggy meadow at five shillings. The act further placed a valuation of four pounds on an ox and three pounds on a cow, a horse, or a mare, with swine at one pound. This taxable property was to be listed and returned by the listers to the general assembly in the month of October under penalty of ten pounds for the negligent lister, and as was previously noted, a fourfold assessment for those who failed to make proper returns.⁹

Upon the basis of the law as it stood in 1750 the fifty-three Connecticut towns reported a combined assessed valuation of £1,201,122 5s 6d with New Haven leading with a list totaling £54,448 15s 1½d and Bolton at the bottom with £7,664. The population of Connecticut in 1750 was probably somewhat over one hundred thou-

⁸ *Ibid.*, V, 502-503.

⁹ *Acts and Laws of the Colony of Connecticut* (1750), pp. 135-136. Nothing here is said about the excise on liquors which went to the support of schools or the tonnage and import duties which amounted to very little. Brief reports on these are found in "The Account Book of Joseph Talcott" (MS.) Connecticut State Library.

sand.¹⁰ These figures would, therefore, indicate that the per capita valuation of taxables in Connecticut in 1750 was about twelve pounds.

Given this assessed valuation of taxables, it is now necessary to examine the rate to determine the burden resting upon the individual.

In the year 1749 a committee of the general assembly appointed to answer certain queries sent to Connecticut by the Board of Trade, in reply to the question as to the income of the colony, stated that the annual revenue by rates and duties in time of peace amounted to about nine thousand pounds in bills of credit of which some two thousand pounds or thereabout was expended for the support of the schools.¹¹ This would mean that the per capita tax amounted to about two shillings and sixpence in the new tenor money, the value of which will be presently explained.¹² In May of that year the assembly provided for three taxes each of threepence on the pound on all polls and rateable estate: the first, based upon the forthcoming October list, was to be collected on or before May 1, 1751; the second on the list for 1750 to be collected in 1752; and the third on the list for 1751 to be collected

¹⁰ In 1756 there was a total population excluding Indians of 129,994. See *Conn. Col. Rec.*, XIV, 492, Appendix. F. B. Dexter, in his "Estimate of Population in the American Colonies," gives the number in 1750 at about 120,000 based upon a census of the year 1761 at which time the population was 145,590. (See the American Antiquarian Society *Proceedings*, New Series, V, 33, for Dexter's table.) In 1749 in answer to the Board of Trade's queries, a committee of the general assembly gave a rough estimate of the population. It stated that "The number of our inhabitants of both sexes and all ages are computed to be about 70,000 whites and 1,000 blacks and they are greatly increased within the ten years Last past which we attribute (under the divine blessing) to a wholesome air, industrious Life & frugality in Living." *Law Papers*, III, 302 (*Conn. Hist. Soc. Coll.*, XV).

¹¹ *Law Papers*, III, 303.

¹² In 1756 the revenue of the colony was put at £4,000 sterling. "Connecticut Answers to the Heads of Enquiry." *Fitch Papers*, I, 211 (*Conn. Hist. Soc. Coll.*, XVII).

in 1753.¹³ However, due to the receipt of funds from England for reimbursement of the expenses of the Connecticut troops engaged in the reduction of Fort Louisbourg in the late war,¹⁴ it was found possible to make an abatement of twopence on the tax of threepence levied in the years 1751 and 1752¹⁵ and not only meet the expenses of the government but also to call in the bills of credit still outstanding against the colony. It, therefore, meant that the tax stood in those two years at the rate of a penny on the pound, new tenor money, with the privilege of paying the rate in old tenor bills upon the basis of three and one half of these as the equivalent of one of the former, or in Spanish milled dollars valued at thirteen shillings and ninepence in the new tenor. Thus, the two levies in terms of sterling value stood at one third the face value and were, therefore, each equivalent to one and one third farthings sterling on the pound new tenor and in terms of lawful money were less than one half face value and amounted to less than two farthings on the pound. These were the last taxes in Connecticut based upon the tenor bills. The latter, originally issued to pass on a lawful money basis, had greatly depreciated in value,¹⁶ largely,

¹³ *Conn. Col. Rec.*, IX, 448.

¹⁴ *Wolcott Papers*, pp. 40-41 (*Conn. Hist. Soc. Coll.*, XVI).

¹⁵ *Conn. Col. Rec.*, X, 65, 128-129.

¹⁶ The old tenor bills were first issued by Connecticut in 1709 during the course of the War of the Spanish Succession. From that date to 1751 these had gradually declined in value until in the latter year they stood at one eighth of their original face value, one half of the depreciation having come, it was asserted, during the period subsequent to the Cape Breton expedition in the late war. The new tenor bills issued from October, 1744, to June, 1746, to the amount of £110,000 to defray military expenses also depreciated but not to the same extent. See Jonathan Law to the Duke of Bedford, May 1750. *Law Papers* III, 435-437 (*Conn. Hist. Soc. Coll.*, XV), also "The Hartford County Merchants' Memorial" of May, 1751, in the *Wolcott Papers* 1750-1754, pp. 62-64 (*Conn. Hist. Soc. Coll.*, XVI). The outstanding bills of credit in terms of the old tenor stood at £340,218 18s 7d in 1750, according to a report of a committee for the general assembly. *Ibid.*, pp. 101-102. For a discussion of Connecticut currency see Henry Bronson in the *New Haven Colony Historical Society Papers*, I.

it was claimed, due to the fact that the bills of credit of other colonies, especially those of Rhode Island, were accepted on a par with Connecticut bills although not of equal value.¹⁷

The mercantile interests of Connecticut, it should be pointed out, were filled with consternation to see the credit of the colony decline and with it the medium of exchange. As early as 1749 a bill passed the general assembly which provided for the calling in of all outstanding bills of credit both old and new tenor. The act in question pledged to apply to this end not only the money to be appropriated by parliament as reimbursement of the expenses of the Cape Breton expedition but also the proceeds of the taxes of 1751, 1752, and 1753, referred to previously, after the expenses of government had been met.¹⁸ This was followed by the act of parliament of the year 1751¹⁹ for restraining the issue of paper money by the New England colonies. This law had been passed in spite of the efforts of the Connecticut authorities to secure an exception in favor of their government as one which had not abused its powers in this respect.²⁰ Further steps in the direction of financial rehabilitation were taken when in 1752 and 1755 the colony itself passed acts against the circulation within its borders of the currency of Rhode Island and New Hampshire.²¹ In the latter year, moreover, it was voted that after November 1, 1756, all accounts of the government were to be kept in lawful money.²²

The problem of calling in the paper tenor issues

¹⁷ See "Reasons for Supporting the Hartford County Merchants Memorial," *Wolcott Papers*, pp. 64-66.

¹⁸ *Conn. Col. Rec.*, IX, 447-449.

¹⁹ 24 Geo. II, c. 33.

²⁰ "Reasons in Behalf of the Colony of Connecticut," *Wolcott Papers*, 1750-1754, p. 302 (*Conn. Hist. Soc. Coll.*, XVI).

²¹ *Conn. Col. Rec.*, X, 105, 406-407.

²² *Ibid.*, X, 424.

amounting to £340,218 18s 7d in terms of the old tenor bills and of stabilizing the currency, to which end the colony was now pledged,²³ did not present great difficulties, it would appear. In the spring of 1753 a tax of three farthings "in lawful silver money" on the pound of rateables as listed in 1752 was ordered collected in August giving the taxpayer liberty to offer the new tenor at the rate of fourteen shillings and sevenpence and the old tenor at the rate of fifty-one shillings as the equivalent of six shillings lawful money or of a Spanish milled dollar²⁴ and in October a halfpenny tax also in lawful silver money was provided for under the same conditions.²⁵ From this time forward throughout the remainder of the colonial period the rates were based upon lawful money values and by 1764 the tenor issues had all but disappeared from circulation,²⁶ although both old and new tenor bills continued to be handed in from time to time in small amounts in the payment of taxes well into the period of the Revolutionary War.²⁷

The last of the taxes laid before Connecticut became involved in the Seven Years' War, was that for 1754 of three farthings lawful money. During the years, therefore, from 1749 to 1755 it is evident that the public burdens were far from onerous, especially in light of the exemptions of certain groups from all rates and the liberal concessions to the predominant agricultural interests. The latter, as was previously made clear, paid no rates upon wild, unfenced land nor on land that was being prepared for the following year's harvest, and were given an extraordinarily low assessment on cultivated

²³ *Wolcott Papers*, pp. 101-102; *Conn. Col. Rec.*, X, 65 note.

²⁴ *Ibid.*, X, 157.

²⁵ *Ibid.*, X, 197.

²⁶ *Ibid.*, XII, 339.

²⁷ For numerous instances of this see John Lawrence's Account Book under "Taxes Received," MS. in Connecticut State Library.

lands; at least if the prices at this period had any relation to those of the year 1762 when wild land brought three pounds lawful money an acre. Indeed, previous to the opening up of lands on the upper Connecticut in 1761, wild lands had sold for four pounds, and cultivated farm lands had run as high as ten pounds an acre lawful money,²⁸ although the latter were assessed at but ten shillings per acre if yielding crops and but seven shillings and sixpence if lying in meadow, and were unrated if undergoing ploughing. Further, it was customary to allow the payment of taxes in produce at specified rates.²⁹ In other words, there was without question a vast difference between the payment of three farthings on the pound lawful money on productive land in Connecticut at this period and the payment of four shillings sterling on the pound levied upon the land in England, accepting the fact that the methods employed in arriving at a taxable valuation were in some respects quite different.³⁰

With the outbreak of hostilities along the American frontier in 1754 and the entrance of the colonies into the last of these French and Indian wars, Connecticut was plunged into a period of ten years of war finance. In 1755 taxes totalling fourpence on the pound were levied on the towns, in 1756 it was fivepence, in 1757 it increased to ninepence, in 1758 it was a shilling and a halfpenny; in 1759 it rose to the highest point, thirteenspence; in 1760 it dropped to tenpence and was also tenpence in 1761, but in 1762 it was fivepence and three farthings, in 1763 sixpence, in 1764 eightpence, and in the year of the Stamp Act crisis it dropped to a penny—the normal tax in Connecticut at this period in time of peace.³¹

²⁸ Ezra Stiles, *Itineraries*, pp. 50–51.

²⁹ For example, see *Conn. Col. Rec.*, XI, 9.

³⁰ S. Dowell, *A History of Taxation and Taxes in England*, I, 197; II, 53.

³¹ Conn. Archives, "Finance and Currency," 1764–1774, V, 5.

Surprisingly enough, it appears that from 1765 to 1770 no colony taxes were raised, but in the latter year a tax of twopence on the pound was collected, based upon the list of the previous year. This was repeated in 1771 and from that time to the outbreak of the American Revolution, taxes averaging a penny on the pound were levied.³²

It will be well now to analyze more specifically the taxation burdens placed upon the towns. In 1756, the second year of Connecticut's participation in the French and Indian War, she submitted her people to taxation amounting to fivepence on the pound of polls and rateables upon the list of 1755. This, according to the records of the colony treasurer, produced £29,567 17s 9¼d in lawful money.³³ The population of the commonwealth, upon the basis of returns made that year to the Board of Trade, was 128,242,³⁴ which meant that there was levied

³² The following table will make clear the nature of the town levies from 1770 to 1775:

<i>Date of levy</i>	<i>Rate</i>	<i>List of</i>	<i>Purpose</i>	<i>Date of Collection</i>
1770	2d	1770	To retire £10,000 in bills of credit	May 10, 1772.
1770	2d	1769		Dec. 31, 1770.
1771	1d	1771	To retire £12,000 in bills	Oct. 10, 1773.
1771	1d	1772	one half	Dec. 31, 1772.
			one half	Sept. 30, 1773.
1773	1d	1772	To retire £12,000 in bills	June 1, 1774.
1773	1d	1773		June 1, 1775.
1774	1d	1774	To retire £15,000 in bills	Jan. 2, 1777.
1774	1d	1775	one half	Dec. 31, 1775.
			one half	Dec. 31, 1776.

See Conn. Archives, "Finance and Currency," V, 33, 54, 70, 82.

³³ "Account Book of Treasurer Talcott, 1755-1770," MS. in Connecticut State Library.

³⁴ *Conn. Col. Rec.*, X, 623.

a per capita tax of four shillings and sevenpence.³⁵ In 1759 when a tax of thirteenpence on the pound was levied—the highest level that taxation reached in Connecticut in the eighteenth century—the per capita tax was eleven shillings and fourpence; in 1761 on a levy of tenpence, it was eight shillings and fivepence; and in 1765 on a levy of one penny, it was ninepence and two farthings. Stated in terms of sterling values the per capita levy in 1756 was three shillings, fivepence, and one farthing; in 1759 it was eight shillings and sixpence, and in 1765 it was sevenpence and one farthing.

While these war-time levies were greatly in excess of the rates paid in times of peace, yet in comparison to those carried by the people of the mother country during the same period, they would not be considered heavy in light of a per capita tax in England that in peace time averaged a pound sterling from the middle of the century onward.³⁶ Nevertheless, in the year 1765 the towns were still owing, according to Jared Ingersoll, eighty thousand pounds in arrears of taxes³⁷ and in 1769, by the auditor's report, they were still owing £45,369 7s 10d, mostly on the rates due from the year 1758 to and including 1765.³⁸ Whether this situation was due to the growing incapacity of the taxpayer to meet his burdens,³⁹

³⁵ The per capita tax of Hartford with a population of 2,926 and a total levy of £817 5s ¾d was five shillings and sevenpence and that of New Haven with a population of 5,085 and a total levy of £1196 17s 1d was four shillings, eightpence, and two farthings; the former was assessed with a total of £38,338 18s taxables which gave it a per capita assessed valuation of thirteen pounds, two shillings, and elevenpence, and the latter assessed at £45,924 9s 1¾d had a per capita assessed valuation of nine pounds and ninepence. These figures have been derived from the "Account Book of Treasurer Talcott, 1755-1770."

³⁶ S. Dowell, *A History of Taxation and Taxes in England*, III, 130, 163.

³⁷ See *Ingersoll Stamp Act Correspondence*, p. 44.

³⁸ Conn. Archives "Finance and Currency," V, 26.

³⁹ According to Ingersoll, these arrears could not be collected due to the poverty of those on whom they were laid.

or to a simple reluctance shared by all mankind to pay taxes, or to the fact that the colony was so abundantly provided with financial resources that it felt under no necessity of pressing the taxpayer, it is of interest to note that, according to the auditors' figures, there was a progressive decline after the year 1757 in the response of the towns. By 1769 they were still in arrears for one eleventh of the taxes of the year 1761, one ninth of the year 1762, one fifth of the year 1763, one third of the year 1764, and one third of the year 1765.⁴⁰ This reduced the per capita tax actually paid into the treasury by 1769 from a hypothetical four shillings and ninepence on the rate of 1762 to four shillings and threepence lawful money, or three shillings and twopence farthing sterling; from four shillings and tenpence on the rate of 1763 to three shillings and tenpence lawful money, or two shillings and tenpence halfpenny sterling; from six shillings and threepence on the rate of 1764 to four shillings and twopence lawful money, or three shillings and three halfpence sterling; and from ninepence halfpenny on the rate of 1765 to sixpence halfpenny lawful money, or fourpence, three farthings sterling.

An examination of the treasury accounts for this period shows that some of the town collectors had succeeded

⁴⁰ In 1769 there were due the following amounts from the towns for the years 1758-1765 inclusive:

	£	s	d
On the elevenpence halfpenny rate of 1758	1379	3	4 ³ / ₄
On the thirteenpenny rate of 1759	2087	15	1
On the tenpenny rate of 1760	2619	3	9
On the tenpenny rate of 1761	5413	19	6
On the fivepence three farthing rate of 1762	4237	17	5 ¹ / ₄
On the sixpenny rate of 1763	8717	5	9 ³ / ₄
On the eightpenny rate of 1764	17748	9	11 ¹ / ₄
On the penny rate of 1765	2078	19	0 ³ / ₄

See the Ledger Book of Treasurer Lawrence under date of February 1, 1769, Connecticut State Library.

by 1769 in gathering in and remitting their back taxes, others still lagged behind, making little or no effort in that direction; a few it appears, as was the case of the Hartford collectors, gathered considerable sums but failed to remit these.⁴¹ By the year 1767 the non-payment of back taxes had become nothing less than a political scandal and in May of that year the general assembly passed an act for the securing and more speedy collecting of these, which provided that whoever neglected to pay to his collector his taxes now due, would be liable to the payment of interest on the same from the following September or until the said tax was discharged and that every collector who failed to pay into the colony treasury a tax due should pay lawful interest on such rate after the expiration of sixty days.⁴² Nevertheless, this did not have the effect of bringing in the taxes. In 1769, upon the basis of an auditor's report, it was found, for example, that Hartford, rated in 1758 to pay £2150 18s 9d, was owing £544 16s 11½d of this sum; rated in 1759 to pay £2212 9s 11½d, was owing £781 16s of this sum; rated in 1760 to pay £1683 2s 10d, was owing £453 15s 7½d; Suffield, rated in 1760 to pay £723 5s 5d, was owing £607 3s 0½d; Colchester, rated in 1761 to pay £1086 17s 9d, was owing £505 1s 7½d; Norwich, rated in 1763 to pay £1450 17s 7¾d, was owing £1092 8s 7¼d; Simsbury, rated to pay in that year £593 18s 9d, was owing £451 8s 0¾d; Fairfield, rated in 1764 to pay £2010 19s 3d, was owing £1306 0s 9½d; Lebanon, rated to pay in that year £1270 19s 4d, was owing £778 7s 4d; Middletown, rated to pay

⁴¹ *Conn. Col. Rec.*, XIII, 541.

⁴² *Ibid.*, XII, 560-561. The reader should not be misled at this point. The law would seem to refer to current taxes; it actually referred to the taxes levied upon the towns up to and including the year 1765. This is indicated by a careful examination of the Treasury Books of both Joseph Talcott and John Lawrence.

in that year £1749 5s 3d, was owing £1574 13s 4½d; and New Haven, rated to pay in that year £1905 11s 5¾d, was owing £832 19s 3d.⁴³ It is perhaps not surprising that the treasurer, Joseph Talcott, was subjected to sharp censure for having "in a great measure neglected to conform to the direction of law respecting the collection of taxes and other dues to this Colony"⁴⁴ and that he was displaced by John Lawrence.⁴⁵ A committee of the general assembly was thereupon appointed to examine the treasurer's books and report back to the assembly the state of the obligations due to the colony which was done in 1770,⁴⁶ and by the year following the assembly took decisive action empowering the treasurer to appoint attorneys, if need be, to sue in order to compel settlement on the part of the towns.⁴⁷ It will be illuminating to notice the steps taken in some of the cases to bring about an honoring of these obligations on the part of the defaulting towns.

On September 1, 1769, Elihu Wadsworth, a constable and collector for Hartford, was charged with a balance of £781 16s due from that town on the rate of 1759; an execution was directed against him that day, since an execution two years previous had not produced effect, and he was committed to jail; there he remained until May 30, 1771 when he took the oath provided by law for poor prisoners; thereupon, on June 15 of that year execution was granted against the selectmen of the town for the sum of £875 12s 4d, which represented the principal plus the interest dated from the year 1767; the payments on this were completed February 12, 1774.⁴⁸ On April 1,

⁴³ See the "Rate Book of John Lawrence, Treasurer for Rates of 1755-1765," Connecticut State Library.

⁴⁴ *Conn. Col. Rec.*, XIII, 94.

⁴⁵ *Ibid.*, XIII, 129.

⁴⁶ *Ibid.*, XIII, 517.

⁴⁷ *Ibid.*

⁴⁸ "Rate Book of John Lawrence," p. 29.

1770, an execution was granted against the administrator of the estate of Dositheus Humphry, late collector at Hartford, for the sum of £524 2s 3d back taxes for the year 1760 with interest from September 1, 1767,⁴⁹ settlement was finally made on February 29, 1780, with total abatements granted on these taxes of £292. Enos Lane, collector for Suffield, was charged with £607 3s 1½d of the taxes of that town on the rate of 1760; complete settlement was apparently never made; the last payment by the town occurred in 1780.⁵⁰ John Hopson, collector for Colchester, was charged in 1769 with £577 0s 10d in taxes due from that town on the rate of 1765; the return upon the execution was *non est*; in 1770, as a consequence, an execution was granted against the selectmen by order of the assembly, and this failing of results in 1772 an execution against the inhabitants of the town; settlement was made by abatements, cash, and a bond, in 1773.⁵¹ Daniel Collins, collector for Stonington, was charged with £454 16s 7d in taxes due from that town on the rate of 1761; it appears that an execution was granted in 1763 against him and in 1769 another which was returned *non est* with a result that proceedings were instituted against the selectmen who came to a final settlement early in 1780.⁵²

The foregoing brief survey of certain aspects of the history of taxation in Connecticut from the years 1750 to 1775, helps to establish certain conclusions. By what has been said, it is evident that the people of Connecticut were most happily situated with respect to financial obligations which they owed to their government. The per capita tax, that in 1750 amounted to but one shilling and nine and three fifths pence new tenor or about seven-

⁴⁹ *Ibid.*, p. 43.

⁵¹ *Ibid.*, p. 51.

⁵⁰ *Ibid.*, p. 47.

⁵² *Ibid.*, p. 62.

pence sterling, rose in the course of the French and Indian War to but eleven shillings and fourpence lawful money or eight shillings and threepence sterling, the peak of war taxation. In 1765 it dropped to ninepence halfpenny lawful money or sevenpence and one farthing sterling and then quite disappeared until the winter of 1770. From then on to the outbreak of hostilities against the mother country it averaged annually but about sevenpence halfpenny sterling. Nevertheless, with so moderate a tax the towns showed the greatest reluctance in making the remittances due and it is significant that on back taxes covering the period of the Seven Years' War, the defaulting towns were freed from interest charges on this sum for the years preceding 1767.

II

UP to this point we have been considering taxation in colonial Connecticut with respect to internal aspects. It is now desirable to analyze the bearing that this and other related matters concerned with public finance had upon the relations of the colony with the mother country preceding the outbreak of the Revolutionary War.

There is no denying the validity of the traditional point of view that the chief cause of the growing opposition of the colonials to the imperial administration during the decade preceding the outbreak of the Revolutionary War arose through plans of taxation and fears of these plans. Speaking of the situation in 1764, Professor Channing, in his *History of the United States*, says, "The Americans felt that they were already overburdened with taxations."¹ "This Colony," complained Jared Ingersoll of Connecticut in 1765, "is Eighty Thousand Pounds in Debt, Arrears of Taxes, that cannot be collected, by

¹ Edward Channing, *A History of the United States*, III. 32.

Reason of the Poverty of those on whom they are laid.”² Without seeking to generalize regarding the financial history of the American colonies taken as a whole, let us examine the nature of the burdens that the colony of Connecticut was obliged to carry in the 'sixties and 'seventies as the result of extraordinary efforts put forth in the course of the Seven Years' War. That struggle, as is well known, not only added enormously to the public debt of Great Britain but placed on the shoulders of Englishmen almost unprecedented burdens in providing funds for the equipment of their own naval and military forces, the subsidizing of the armies of Prussia and the colonial forces in America during the war, and in maintaining the public credit at the conclusion of hostilities.

The war had its immediate origin, so far as the English speaking people are concerned, in the Ohio Valley region and was begun by colonials. For over a century they had sought to be relieved of the pressure of the French and their Indian allies and the constant menace to the frontier settlements. Without doubt, they had more at stake than any other portion of the empire so far as the success or failure of the war in America was concerned. Nevertheless, the government of Great Britain, first under the guidance of Newcastle and later under the masterful Pitt, determined, in the face of reverses, to whet the zeal of the plantations in this decisive struggle in North America by offering to furnish ammunition, tents, and subsistence to the troops raised by the colonies.³ Pitt later went so far as

² *Mr. Ingersoll's Letters relating to the Stamp-Act* (New Haven, 1766), p. 44.

³ In 1746, during the preceding war, the General Assembly of Connecticut voted that the governor be desired with the advice of the Committee of War to take measures for obtaining from His Majesty's paymaster general wages due to the officers and soldiers raised for the Canadian expedition. In the following year the governor was directed to make proper drafts on this officer for the commissary's expenses for clothing and arms. Although Hollister, in

to agree not only to provide arms, in addition to the above, but to recommend strongly to Parliament appropriations for the clothing and pay of the colonial line.⁴ The colonies responded to this policy with the result that by 1759 New Hampshire had in the field 1000 men; Massachusetts, 6500; Rhode Island, 1000; Connecticut, 5000; New York, 2680; New Jersey, 1000; Pennsylvania, 3000; and Virginia, 1200—according to information furnished by General Amherst, upon the basis of which parliamentary grants were made for that year.⁵ In the eyes of the men of that period, the fitting out of these troops and their maintenance in the field was a matter of no slight expense. According to a report of the Board of Trade made in 1765 the colonies during the war together spent £2,515,038, of which £760,435 remained unpaid at the time of the report. Of this sum, Connecticut is credited with having expended £259,000 sterling.⁶

From the year 1755, when military preparations were begun, to 1761, the year of the cessation of hostilities in America, Connecticut, in order to meet her extraordinary expenses, issued some £264,500 in bills of credit bearing interest at the rate of five per cent. and running for periods of from two to four years which, with interest

his *History of Connecticut* (I. 409), when referring to the colony's petition for reimbursement on account of the Cape Breton expedition says, "Her prayer was disregarded, and she submitted to the loss in silence," the money was after some delay paid to the colonial agent, Dr. Benjamin Avery, and was duly transmitted by bills of exchange as was the reimbursement for the expenses in the proposed expedition of 1746. *Conn. Col. Rec.*, X. 493, 537, 546.

⁴ For these letters, see E. B. O'Callaghan, *Documents relative to the Colonial History of the State of New York*, VII. 216, 340, 351.

⁵ C. O. 323: 19. Other colonies, of course, rendered services and in 1757 Parliament appropriated the sum of £50,000 as compensation to Virginia, North Carolina, and South Carolina for services.

⁶ C. O. 323: 19. *Conn. Col. Rec.*, XI. 101. To keep her soldiers in the field, Connecticut paid them at the rate of £1 16s. per month, counting twenty-eight days to the month. *Ibid.*, XI. 94.

charges that amounted to £62,700, obligated the colony to the extent of £327,200; further, from 1761 to 1765 she issued £82,000 in bills of credit carrying interest charges of £18,650. Thus the sum total of these issues with interest amounted to £427,850.⁷ To arrange for the calling in of these bills of credit upon maturity the General Assembly up to March, 1764, provided for the raising of £400,000 in taxes. The amounts varied from a two penny tax granted in 1755, to be collected in August, 1756, for raising £5000, to two levies voted in March, 1760, amounting to £75,000, part of which was to be collected in December, 1761, and the remainder in December, 1764. The last levy connected with the war finances, a one and three-fourths penny tax to raise £8750, was voted in 1764, to be collected December, 1767.⁸

These figures, expressed in terms of "lawful money,"

⁷ The following are the issues with interest charges. These are in terms of lawful money, or in relation to sterling as six is to four and one-half:

Sum £	Date of Issue	Date Payable	Interest £
7,500	Jan., 1755	May, 1758	1,250
30,000	Aug., 1755	Aug., 1760	7,500
12,000	Oct., 1755	Apr., 1760	2,700
30,000	Mar., 1758	May, 1762	6,250
20,000	Feb., 1759	May, 1763	4,250
40,000	Mar., 1759	Mar., 1764	10,000
10,000	May, 1759	May, 1763	2,000
70,000	Mar., 1760	Mar., 1765	17,500
45,000	Mar., 1761	Mar., 1766	11,250
65,000	Mar., 1762	Mar., 1767	16,250
10,000	May, 1763	May, 1765	1,000
7,000	Mar., 1764	Mar., 1768	1,400
<u>346,500</u>			<u>81,350</u>

Connecticut Archives, MSS., Finance and Currency, 1764-1774, V. 5. *Conn. Col. Rec.*, XII. 339.

⁸ The following statement of "Funds Appropriated" was drawn up by a committee appointed by the General Assembly in 1764.

Tax d.	Date for levying	Amount to be raised £
2	Aug., 1757	5,000

indicate a formidable increase in the taxation of the people of Connecticut, for the ordinary annual expenses of the colonial establishment, according to Governor Trumbull in 1774, were only about £4000 sterling—excluding the schools. A penny tax would produce £5000 in the 'sixties; in 1756 Governor Fitch gave the revenue of the colony by direct taxation, which was practically the only revenue the government had, to be £4000 sterling.⁹ In other words, the annual penny tax under ordinary circumstances sufficed to meet the needs of government,¹⁰ while for the year 1763 taxation amounting to fifteen pence “on the pound on polls and rateable estate” was provided for by the legislature in a levy of ten pence granted in March, 1760, and one of five pence in March, 1761. For the year 1764 three levies fell due, of nine pence, granted in March, 1760, six pence in March, 1762, and two pence in May, 1763.

Tax <i>d.</i>	Date for levying	Amount to be raised £
3 and 4	Aug., 1759 and Apr., 1760	35,000
3	Aug., 1759	15,000
8	Dec., 1761	40,000
5	Dec., 1762	25,000
10	Dec., 1763	50,000
2¼	Dec., 1762	6,250
6 and 9	Dec., 1761 and Dec., 1764	75,000
5 and 7	Dec., 1763 and Dec., 1765	60,000
6 and 8	Dec., 1764 and Dec., 1766	70,000
2	Dec., 1764	10,000
1¾	Dec., 1767	8,750

Conn. Arch., Finance and Currency, V. 5. The reader should bear in mind that these sums represent the amounts of the levies and not the amounts actually collected, as will be made clear in the course of this paper.

⁹ *Conn. Col. Rec.*, X. 624, XIV. 500. For the distinction between sterling and lawful money, see note by C. M. Andrews, “Current Lawful Money of New England,” *Am. Hist. Rev.*, XXIV. 73–77; see also *Jared Ingersoll Papers*, F. B. Dexter, ed., p. 223, note.

¹⁰ Ingersoll said that £4000 equaled the “penny rate.” *Ingersoll's Letters*, p. 49, note.*

In the light of the necessities of the government and its consequent great demands upon the people it might be thought that the finances of the colony would have become demoralized as they were in the course of King George's War and later during the crisis of the Revolution. It is, therefore, surprising to discover that Connecticut was able by the end of 1763, the year that witnessed the Peace of Paris, not only to discharge all but £82,000 of the total of £346,500 in bills of credit issued from 1755 to that date,¹¹ but, in addition, to meet her other extraordinary war charges which, together with the above necessitated taxes amounting to £410,932 7s. 2½*d.* in terms of lawful money for this same period, according to the treasury records of the colony,¹² and which by the end

¹¹ C. O. 323: 19.

¹² See the Account Book of Joseph Talcott, Treasurer, MS., Connecticut State Library. The following figures taken from this and compiled give concisely a view of Connecticut taxation from 1755 to 1765, which, of course, includes those rates laid for the purpose of calling in at maturity the bills of credit as well as those laid to meet the various other contingencies of the war-time government:

Date of Tax Levy	Rate on the Pound	Amount Raised		
		£	s.	d.
1755	4	22,325	4	1
1756	5	29,567	17	9¼
1757	8	47,666	15	7¼
1757	1	8,935	2	¼
1758	12½	78,895	6	7
1759	13	77,082	11	6½
1760	10	59,494	19	3
1761	10	61,043	—	10½
1762	5.3	35,921	9	3
1763	6	38,244	9	11¼
1764	8	50,895	5	1½
1765	1	6,401	9	3
Total		516,473	9	7½

"In these Services, from the Year 1755 to the Year 1762 inclusive, the Expences of the Colony over and above the parliamentary Grants (which have been received with the most sensible and humble Gratitude) amounts to up-

of 1765 totaled £516,473 9s. 7½d. She also during these years placed her financial system upon a firm basis. For it should be made clear that at the beginning of the war her finances were still demoralized as the result of repudiating the face value of her currency when calling in her new tenor bills with a valuation of fourteen shillings and seven pence, and her old tenor bills with a valuation of fifty-one shillings, as the equivalent of the Spanish milled dollar instead of the proclamation or lawful valuation of six shillings to the dollar. In contrast to this, her bills of credit issued in the course of the French and Indian War were redeemed at face value. A committee of the General Assembly asserted in 1764 "that their value has remained invariable, permanent, and stable." Connecticut, in fact, had so buttressed her credit during these years that when at a later period it was determined to put forth further issues of paper bills she kept them on a lawful money basis although the issue of the year 1770 carried interest of only two and one-half per cent. in contrast to five per cent. on the issues from 1755 to 1764 inclusive—a rate of interest incidentally less than that paid on British consols, which, of course, are not to be confused with paper money,¹³ while the issues of 1771, 1773, and 1774, each running for a period of two years, were without interest. All this she did in the course of the war in spite of the fact that practically one-fifth of her man power between the ages of sixteen and forty-five years was under arms from the year 1757 onward, and

wards of four hundred thousand Pounds; the large Arrears of which Sum will remain a heavy distressing Burden upon the People for many Years to come." Thomas Fitch, *Reasons why the British Colonies, in America, should not be charged with Internal Taxes, by Authority of Parliament* (New Haven, 1764), pp. 31-32.

¹³ In 1751 the rate of interest on the consolidated debt was placed at three per cent.

thus not only was out of productive activity but also exempt from taxes.¹⁴

The explanation of this extraordinary record on the part of Connecticut undoubtedly lies in certain unusual factors which profoundly affected the local situation. First among these, perhaps, was the fact that one of the war centers was along the borders of the neighboring province of New York and consequently Connecticut beef, pork, wheat, flour, and other commodities needed by the army contractors for the supply of the troops sold at greatly enhanced prices for specie.¹⁵ Further, a large proportion of the expenditures made by the colony itself during the war was in favor of her own people in the form not only of wages for military service which were, it was stated, fifty per cent. higher than the wages of regular troops in the British army,¹⁶ but also in the form of various military supplies that could be furnished locally, for which repayment was made by the British government. It should be appreciated, moreover, that, unlike the pay received during the Revolutionary War, compensation was not in depreciated paper currency but her soldiers, merchants, shippers, and farmers got their rewards either in specie or in that which ultimately could be exchanged for specie when the bills of credit which the colony issued were called in at the time of maturity. Connecticut un-

¹⁴ *Conn. Col. Rec.*, X. 424; XII. 339, 667-668; XIII. 300; XIV. 499; Henry Bronson, "A Historical Account of Connecticut Currency," New Haven Colony Historical Society, *Papers*, vol. I., ch. IV.

¹⁵ The Board of Trade was informed in 1757 that Mr. Kilby, the army contractor in America, found the price of wheat when he began buying, advance fifty per cent., from three to four shillings and sixpence per bushel. William Snell and Co. to the Board of Trade, May 13, 1757, C.O. 323: 31. "Your information of Flour being 8/6 a Phila. is fals. it has not been under 9/6 per C. is now 10/6 and rising there," wrote G. G. Beekman to Samuel Fowler, Jan. 10, 1757, from New York. Beekman Letter Book, 1752-1770, MS., New York Historical Society.

¹⁶ *Conn. Col. Rec.*, X. 475, 600.

doubtedly during the war years floated on the crest of a wave of prosperity. There is a remarkable absence of complaint against unreasonable taxes, although the people, it would appear from the records, were paying during some years twenty-six times as much money in the form of taxes as was collected before the beginning of hostilities. Indeed, due to abatements in the rates for the years 1751 and 1752, only one penny on the pound in new tenor currency had been demanded, which equaled less than a halfpenny in lawful money and less than one-third of a penny in sterling.¹⁷ In short, from 1755 to 1764, money was plentiful and easy to find for taxes, especially since these could be paid in bills of credit large quantities of which had been placed in circulation during the later years of the war. These bills of credit with which taxes were paid were not a legal tender. One was not able to go, therefore, to the treasurer of the colony at any time and present them for redemption in specie, securing upon request for six shillings a Spanish milled dollar, or for thirty-six shillings a moidore, or for forty-eight shillings a half johannes—this was the specie which at that period found its way into the colony. In other words, only upon maturity were both the interest and principal paid in hard money or the equivalent in bills of exchange, provided funds were at hand for calling them in, which generally was the case.¹⁸ It is important to keep this fact in

¹⁷ *Ibid.*, X. 65, 128–129.

¹⁸ However, Robert Livingston, of Livingston Manor, New York, in possession of £13,112 16s. 6d. in Connecticut bills of credit tendered them to the treasurer of the colony who was unable to redeem them. As a result he petitioned the assembly, August 10, 1768, for their equivalent in specie. It was agreed by that body in January, 1769, that upon the return of the bills he would be allowed five per cent. interest until the treasurer notified him of his ability to make payment. This interest, of course, was in addition to the interest that he was entitled to receive for the legal period of the life of the bills. Conn. Arch., Finance and Currency, V. 21.

mind, for it is difficult to believe that any such quantity of paper as was issued by Connecticut could have circulated in the late 'fifties and early 'sixties, without having its relationship to sterling or to hard money affected in the course of business affairs. Indeed, the tendency to discount this paper in ordinary transactions, where specie or bills of exchange in terms of sterling were involved, was almost inevitable, if the bills of credit still had some years to run before the date of maturity, in spite of the fact that the issues of the war period carried interest at five per cent.¹⁹ In fact, by 1760, those of the colony were passing at a ratio of seven shillings to three of sterling or its equivalent, in place of the lawful money rate of six shillings to four shillings and sixpence. There was doubtless a careful distinction made at this period in business transactions between "lawful money" and "current lawful money" and it was in the latter that taxes were paid.²⁰ This may help to explain how it was that the taxpayers could be expected to pay into the Connecticut treasury during the later years of the war sums that

¹⁹ One need only bear in mind the decline in face value of the Liberty Bonds of the United States at the close of the World War to appreciate the likelihood of this depreciation. That the value of these bills became enhanced at times above the face value as the time approached for redeeming them with interest is quite consistent with the fact of their general depreciation. See Henry Bronson, "A Historical Account of Connecticut Currency," New Haven Col. Hist. Soc., *Papers*, I. 83.

²⁰ The figures occur in the writer's notes drawn from some forgotten source. This would seem to offer an explanation of the rather puzzling comment made in 1760 by the eminent Connecticut lawyer, Jared Ingersoll, on the decision rendered in the case of *Dering vs. Packer* by the privy council when that august body decreed that the term "currency lawful money of New England" did not mean the bills of credit of any colony but was silver or its equivalent. "Perhaps they were mistaken in that matter," he declared, "not being acquainted with the Currency and Understanding of the people in N. England, and the Def^t not well prepared to shew that matter." *Jared Ingersoll Papers*, p. 240, note.* For a discussion of this point, see C. M. Andrews, "Current Lawful Money of New England," *Am. Hist. Rev.*, XXIV. 73-77.

were apparently ten times the amount of the ordinary levies in time of peace, as, for example, the sum of £78,895 in 1758; of £77,082 in 1759; of £59,494 in 1760; of £61,043 in 1761; of £35,921 in 1762; of £38,244 in 1763; of £50,895 in 1764, as against a sum equal to less than £7000 for the year 1773.

Without discrediting in the slightest degree the splendid showing made by Connecticut in her war efforts to furnish men, money, food supplies, and other material, in comparison with that of some of the other colonies, it may be suggested that even when the public burdens of her people were greatest in the form of taxation during the years from 1758 to 1761 inclusive, they did not assume the proportion of those carried by the people of England even in time of peace.

There are, of course, certain problems which enter into estimations and comparisons of such burdens that must be taken into account by the student who desires to arrive at a satisfactory conclusion in these matters. There is the problem of determining income or wealth-producing capacity under given circumstances of one group as against another; the problem of placing on a basis adapted to comparison the systems of rating and collection in matters of direct taxation, with full knowledge regarding the local application of general taxation principles and specific measures of taxation; the problem of comparing the onus of indirect taxation as between groups and, in connection with this, that especially elusive problem of the incidence of taxation in the course of international trade more particularly as it arises when commodities that have been exported from the country in question are submitted to custom duties and other levies abroad or when foreign produced commodities received in exchange for the former are, previous to their shipment, submitted

to various forms of public exaction. The colonials of wealth, at least, undoubtedly contributed generously to the British exchequer in the purchase of commodities from the mother country, the production of which had been by various processes submitted to taxation, although it is not to be suggested that in all cases this transfer of the tax to the consumer was possible.²¹ For it is well recognized by students of public finance that in the course of international trade which tends to assume the form of barter the law of supply and demand operates to govern the factor of the incidence of a tax on commodities which under certain conditions will fall upon the consumer and under other conditions upon the producer or distributor. As it is not the province of this paper to examine this important but difficult aspect of British imperial finance, it will be necessary to keep in mind in the discussion to follow that no attempt has been made to estimate the extent of contribution that the Connecticut people undoubtedly made to the English exchequer by the indirect process, but only to analyze the nature of the contributions which they made to their own colonial treasury.

²¹ For example, it probably was difficult to transfer to the Connecticut consumer the tax on many lines of English hardware, such as nails, the most important iron export from the mother country to her colonies. Connecticut was active in the production of this article and of other articles made from her iron; she even manufactured excellent steel during the period preceding the Revolution in spite of the restrictive act of 1750. Pennsylvania, Maryland, and Virginia were still more active. English nails had, therefore, to compete apparently under disadvantages with those locally produced. The ironmaster, Joshua Gee, testified before a parliamentary committee in 1738 that the wood and ore for producing a ton of pig iron in England cost from thirty to forty shillings, while the same materials in most parts of America could be had for little or nothing. He also presented figures to prove that labor in America was two-thirds cheaper and that provisions were in general cheaper. Added to these items would be the cost of transportation of English iron across the Atlantic with other incidental charges. Testimony taken before a Committee of the House of Commons in 1738 regarding the Iron Trade. Historical Society of Pennsylvania, Penn. MSS., miscellaneous, Iron, doc. 45.

Various calculations as to the amount of taxes paid by Englishmen in the middle of the eighteenth century have come down to us. The statements of some writers place these at unbelievable heights.²² Others, however, attempted to approach the subject with caution and one, in his *Calculations of Taxes for a Family of Each Rank, Degree, or Class for one Year, to the Rt. Hon. William Pitt*, published in 1756, sought to show that a laborer receiving five shillings a week, or thirteen pounds a year, would pay only fifteen shillings and tenpence in taxes or at the rate of fourteen pence on the pound in terms of sterling, although on the higher incomes with land taxed at four shillings on the pound, between one-third and one-fourth of the entire income would be taken when the various taxes were paid. More specifically, a gentleman with land which brought in an income of £1000 would pay a total of £336 13s. in taxes and one with land that brought in £100 would pay but £30 16s. Another writer, even more conservative in his estimates, placed the tax rate of the husbandman or laborer in time of peace at fifteen pence on the pound sterling while that of the wealthy landowner, with an income of £1000 from his land, at four shillings and ninepence on the pound.²³

During the fiscal year 1749-1750, with taxation still at a war level although subsequent to the Peace of Aix-la-Chapelle, there was raised in Great Britain for public purposes the sum of £9,083,540, by various imposts di-

²² It was asserted by one writer at an earlier period "that three-fifths of every man's income who lives up to his Estate is actually paid in taxes to the support of government," and that manufacturers and laborers paid fourteen shillings in taxes out of every twenty shillings they gained by their industry. Joseph Massie, *Calculations of Taxes for a Family of Each Rank, Degree, or Class for one Year to the Rt. Hon. William Pitt* (London, 1756), p. 10.

²³ *Ibid.*, pp. 12-18. Cf. also *The Proposal Commonly Called Sir Matthew Decker's Scheme for One General Tax upon Houses Laid Open* (1757), pp. 121-122.

rect and indirect.²⁴ This represents a per capita levy of twenty-one shillings, counting the total population of England, Wales, and Scotland at 8,500,000 people. In Connecticut the taxes raised at any period from 1750 to 1755 did not exceed a penny and a farthing lawful money or three and three-fourths farthings sterling, which did not bring in a total beyond £4000 sterling a year.²⁵ In 1751, 1752, and 1754 the rate did not run higher than three farthings on the pound, bringing in, it appears, not more than £2400 sterling. This divided among a population in 1750 of probably not less than 100,000 white people²⁶ would indicate a tax burden that averaged for each individual, excluding blacks and Indians, five and three-fourths pence.²⁷ The comparison, moreover, does not take into account local rates which in some parts of England, owing to extensive poor relief, were fantastically high.²⁸ When taxation reached its highest point in Connecticut in 1758 during the war period, there was raised in the colony the sum of £78,895 6s. 7d. lawful money²⁹ which, with a population estimated at 137,133, would give a per capita tax of eleven shillings and sixpence or in

²⁴ Treasury Accounts, P.R.O., T. 30: 11.

²⁵ *Conn. Col. Rec.*, X. 65, 128-129; 197, 318, 624.

²⁶ In 1756 the population of the colony was given at 126,975, not counting blacks and Indians. *Ibid.*, X. 618.

²⁷ This of course relates to taxes on polls and rateable estate, which, however, was practically the only basis of taxation in Connecticut. *Ibid.*, XIV. 500. There was an excise on liquors which went to the support of the local schools (*ibid.*, XII. 463), and import and tonnage duties which in the case of the port of New Haven amounted to £728 3s. 1½d. for the period from 1759 to 1768. Account Book of Joseph Talcott, p. 6.

²⁸ One Abraham Spooner, in testifying before a parliamentary committee in 1730, declared that at Dudley in Worcestershire the poor rates had risen from some two or three shillings on the pound to eight shillings. Hist. Soc. of Penn., Penn. MSS., misc., doc. 45, Committee Report of the House of Commons on the Iron Industry. I find in 1735 a rate of two farthings on the pound raised at New Haven for defraying the charges of the year. This is probably typical. Town Records, MSS. (1735), p. 439.

²⁹ Account Book of Joseph Talcott.

terms of sterling, seven shillings and ninepence for that year. During the years immediately preceding the American Revolution it dropped to a per capita level of seven pence and two farthings sterling as against a per capita tax in England which could not have been less than twenty shillings with taxation rising to ten million pounds by the time of the outbreak of the American Revolution.³⁰ With respect to Connecticut, it should be further added that a very substantial proportion of the taxes levied in the course of the French and Indian War was not paid into the treasury at the time specified. In 1765 the arrears in taxes amounted to £80,000 for the period from 1755 to that year;³¹ in 1769 over £45,000 still remained to be collected on the levies referred to. Indeed, some of these arrears were not paid by the defaulting towns until as late as 1780.³²

What, therefore, is the explanation of Connecticut's solvency and splendid financial showing in the face of the default in taxes on the part of the towns?

The key to the taxation situation in the colony during this period undoubtedly lies in a study of its relationship to parliamentary reimbursement for expenses incurred in the prosecution of the war. From 1757 to 1763 the British Parliament made a series of grants, in all amounting to over £1,150,000, as compensation to the American colonies for war expenditures upon the basis of the recommendations of the ministry. Provision for the first of these grants was made in 1756 when Parliament authorized the appropriation of a sum not to exceed £115,000, to be distributed to the colonies of New England, New York, and

³⁰ Stephen Dowell, *A History of Taxation and Taxes in England*, II. 129-163.

³¹ *Ingersoll's Letters*, p. 44.

³² See the Account Book of John Lawrence, MS., Conn. State Library. Also section I of this paper.

New Jersey, as a reward for past services and an encouragement to the colonials to continue their exertions with vigor. Of this sum Connecticut received £26,000, of which £24,828 10s. 1d. in gold and silver Spanish and Portuguese coins were packed in twenty-three chests and eighteen bags and sent to the colony, the remainder having been disbursed in the payment of fees at the exchequer and treasury and for insurance, cartage, freight, and other charges incidental to the shipping of specie. In 1757 Parliament voted direct compensation to Connecticut and Massachusetts, the former receiving £13,736 17s. 7d., one-half of which was forwarded to America in seven chests containing gold and silver,³³ and in 1759 the General Assembly authorized its agent, Jared Ingersoll, to send to the colony £15,000 sterling of the sum granted the previous year by Parliament.³⁴

In 1759 the colony seems to have come to the conclusion, on account of the enhanced price of foreign coins in England and the increased demand for bills of exchange, that it was more advantageous to keep the funds received for reimbursement in some London bank rather than go to the expense of transporting the specie to America. As a result, in that year the General Assembly authorized the sale of £22,000 sterling of the amount retained in England to those willing to pay the highest price for the bills of exchange drawn against these funds; in 1761, £34,000 was sold; in 1762, £35,000; and in 1765 the money received for the services rendered in 1761.

³³ 29 George II., c. 29; 31 George II., c. 33. *Conn. Col. Rec.*, X. 547-548. The writer's *Jared Ingersoll*, p. 72. *Conn. Arch.*, Finance and Currency, IV. 229.

³⁴ *Conn. Col. Rec.*, XI. 345. The remainder was to be put in some safe bank in England. Of the remaining funds, £2000 sterling was to be sold for the full value thereof in gold, silver, or bills of credit of this colony emitted by act of the assembly in March, 1758.

From March 15, 1759, to July 28, 1765, bills of exchange amounting to £172,467 10s. 8d. sterling were drawn by Governor Fitch against the Connecticut funds on deposit in London.³⁵ In December, 1765, there still remained on reserve in the hands of Richard Jackson, the colony's agent in England, the sum of £9263, while in the spring of 1767 bills of exchange were sold by the colony against funds in London amounting to £10,656 6s. 3¾d. lawful money.³⁶ In other words, adding to the sums disposed of in form of bills of exchange, the funds brought to the colony in form of specie gives a total of £237,591 3s. 2d. sterling or £316,788 4s. 2⅔d. lawful money drawn by Connecticut from England without including the fees paid at the exchequer and treasury offices.

In the solicitation of these funds a factor enters which, in so far as it operated, was distinctly beneficial to Connecticut. That factor is the distinction referred to above between "lawful money" and "current lawful money." It has been stated that Connecticut in order to meet its extraordinary war expenditures issued bills of credit which although not legally a tender, in practice circulated as "current lawful money" and ultimately were returned to the government in the form of taxes, or exchanged at the proclamation rate for hard money or for bills of exchange on England. In so far as the value of these bills was less than their actual face value for the purposes of

³⁵ *Conn. Col. Rec.*, XI. 346, 490-491; XII. 61; *Fitch Papers*, Conn. Hist. Soc., *Collections*, XVIII. 353.

³⁶ In the Account Book of Joseph Talcott are found on page 4 the following items:

1766/7 To bills emitted March 1764 for bills of exchange	£428.16.11 £ 57.16. 6
	<hr/>
To Rec'd in hard money for Bills of Exchange	£486.13.5 £10,169.12.10¾

tax payments, just so far did Connecticut benefit in the receipt of these parliamentary aids which were in sterling and based upon a fixed relationship to "lawful money" values in contrast to "current lawful money" values. If one were to assume that the value of the bills of credit in the course of the war declined from a ratio of six shillings to four shillings and sixpence sterling, the lawful money exchange rate, to a ratio of six shillings to three shillings sterling the difference would be as follows: £100,000 sterling amounted to £133,333 lawful money, and to £200,000 current lawful money. Yet the agent of the colony in seeking reimbursement for an expenditure on the part of the colony of £200,000 demanded £150,000 sterling, that is, the sterling equivalent of lawful money, which would be one-third more than the actual exchange value,³⁷ in the ordinary course of business in Connecticut.

Without unduly emphasizing the significance of the above figures it is a fact that the financial support given by England to Connecticut was so generous as to lead to the conclusion that for every pound actually paid by the people of Connecticut in the way of taxes during the course of the war, the people of England made a gift to the colony of an equal amount. It may also be pointed out that when in the year 1763, the outstanding certificates of indebtedness of the colony reached their widest circulation they amounted only to £250,000 lawful money,³⁸ which was actually £66,788 4s. 2 $\frac{2}{3}$ d. lawful money less than the total amount received from England. What this liberal financial assistance meant in the way of relief to the Connecticut taxpayer can be easily appreciated. The full extent of the benefit is so extraordinary as to make almost incredible the furious anti-ministerial agitation, stirred

³⁷ *Conn. Col. Rec.*, XII. 339.

³⁸ *Conn. Arch.*, Finance and Currency, V. 5.

up in that colony, as well as in other colonies, during the very period when these benefits were enjoyed at the expense of the English taxpayer. Because of these grants from England the Connecticut taxpayer found, doubtless somewhat to his surprise, that from 1760 onward until practically the outbreak of the Revolutionary War, there was being lifted from his back much of the load of taxation that the General Assembly had saddled upon him for the calling in and sinking of the bills of credit. In 1761 a rate of but ten pence on the pound was levied, whereas at the time of issuing the bills of credit maturing in that year a rate of eight pence and another of six pence had been authorized. In 1762 but five pence and three farthings on the pound was levied, although a tax of five pence and another of two pence and one farthing had been authorized; in 1763 but six pence on the pound was levied although a tax of ten pence and another of five pence had been authorized; in 1764 but eight pence on the pound was levied although a tax of nine pence and another of six pence had been authorized; in 1765 but one penny on the pound was levied although a tax of seven pence had been authorized; in 1766 there was no levy, although a tax of eight pence on the pound had been authorized, nor were there levies of taxes for the years 1767, 1768, 1769. In 1770 a levy of two pence on the pound fell due on December 31³⁹ and then until the outbreak of the war there were annual levies of one pence or two pence on the pound. But, to analyze this situation more carefully—in 1764 there were still outstanding as evidence of the colony's indebtedness the emissions of March, 1762, amounting to £65,000, to be called in no later than March, 1767; that of May, 1763, to be called in no later than May, 1765, and amounting to £10,000; and that of

³⁹ *Ibid.*, IV. 224, 226, 235, 383, 393.

March, 1764, amounting to £7000, to be called in no later than March, 1768. At the October session of the assembly of the year first mentioned, the deputies made an attempt to abate two-thirds of a tax of six pence on the pound, amounting to £30,000, due the last day of December, 1764, and one-half of a tax of eight pence, amounting to £40,000, due the last day of December, 1766. This tax-reduction measure failed in the upper house although, as was made clear, but eight pence was actually levied on the pound in place of a total of fifteen pence provided for by law. There came out in the discussion the important information that the colony had on hand enough money to cover these tax reductions and the deputies naturally preferred to draw upon this rather than submit their constituents to the levy.⁴⁰ In the May session of the year 1765, the popular branch continued to fight. When the upper chamber demanded a tax of two pence to be collected the first day of the following December and one of a penny to be collected in May, 1769, "to meet emissions of bills," they held to a penny levy—which was never collected. They negatived the further bill providing for a tax of one and one-half pence to be collected the last day of the following December.⁴¹ From May, 1765, to May, 1769, a period of four years, there is silence in the records as to all matters pertaining to the levying of taxes, except that in 1767 the assembly took up the question of the collection of back taxes⁴² and the assessors made up their annual lists as required by the law. In the spring of 1769 another unsuccessful attempt was made to persuade the deputies to agree to a levy, this time of one and one-half pence, and

⁴⁰ *Ibid.*, V. 8.

⁴¹ *Ibid.*, V. 72.

⁴² *Conn. Col. Rec.*, XII. 560–561.

in the October session still another equally unsuccessful to accept a levy of a penny.⁴³ In this contest the upper house was probably thinking in terms of sound public finance, remembering the obligations imposed on the colony by the parliamentary statute of 1751; the lower, in terms of immunity from taxation and the advantages of an expanded currency in the form of outstanding bills of credit. The year following, a tax of two pence on the pound was voted, to be collected the last day of December, 1771, for the purpose of calling in £10,000 in bills of credit, and a tax of two pence on the pound "for the payment of debts, etc. due from this Colony." In 1771 a tax of one penny was voted, one-half to be paid in December, 1772, and one-half in September, 1773.⁴⁴

The significance of this struggle lies not only in its demonstration of the fact that Connecticut had practically freed herself from debt by the year 1765, the year of the Stamp Act crisis, but more important still is the disclosure of Connecticut's determination to guard, as a profound official secret, the existence of financial resources so large as to make it possible not only to refrain from making a number of the tax levies falling due between 1761 and 1770 but actually to free the people of the colony for five years from the burden of any taxation at all. "When I ask the members of our General Assembly the reason," wrote a correspondent to a local journal in 1770, "by some I am told the colony has paid no taxes since the year 1766, and those monies appropriated to the sinking the bills have been applied to the support of government ever since that time."⁴⁵

The relation of resources to obligations will be clearer

⁴³ Conn. Arch., Finance and Currency, V. 24, 27.

⁴⁴ *Conn. Col. Rec.*, XIII. 301, 516.

⁴⁵ *Connecticut Journal*, Aug. 31, 1770.

when it is pointed out that in 1764, £82,000 in bills of credit was the total sum outstanding against the colony although £346,500 in bills had been issued during the war crisis. This sum by 1769 had been reduced to £31,713 8s., which represented practically the only claim against the colony. At the same time there were assets amounting to £45,369 7s. 10d. in the form of back taxes due from the town collectors and £21,995 19s. 11d. still to be accounted for by Talcott who had just gone out of office as treasurer.⁴⁶ In other words, as a result of the businesslike disposition made of the funds appropriated by Parliament for the purpose of aiding the colony to sink its bills of credit it was possible for Connecticut not only to accomplish this but also, as has been stated, to relieve her people of the burden of supporting their own colonial government for a considerable period of time.

It is, therefore, much to be feared that the committee of the General Assembly which drew up the financial report sent to the Board of Trade in 1764, regarding the issues of bills of credit and the means provided for their redemption, left a very wrong impression as to the weight of the burdens that the taxpayers would be obliged to face in the coming years. This committee said nothing of certain assets that still remained on hand after the parliamentary grants had ceased;⁴⁷ and nothing of the relief from taxation that those grants made possible for the people of Connecticut. It is likewise much to be feared that when, in that same year, the colony sent to the government of Great Britain its *Reasons why the British Colonies in America should not be charged with Internal Taxes by Authority of Parliament*, it did not present a

⁴⁶ Conn. Arch., Finance and Currency, V. 26, Report of the auditor, May, 1769.

⁴⁷ Conn. Col. Rec., XII. 339.

correct view in asserting that its expenses during the war, over and above the parliamentary grants, amounted to upward of £400,000, "the large Arrears of which Sum will remain a heavy distressing Burden upon the People for many years to come."⁴⁸ This was repeated by Governor Pitkin in a letter to the Earl of Shelburne in 1767 when, to a request for information regarding the financial situation of Connecticut, he replied, "The late War hath Loaded us with such a large and heavy Debt that we are now so in arrears that we are put to great Difficulties to Discharge those Debts, and support the present charge of government."⁴⁹ His communication, however, was so noncommittal that the following year the Earl of Hillsborough, who had assumed the new office of colonial secretary, wrote to him complaining that the information furnished was "not so compleat as it ought to have been" and that it would be necessary to have the treasurer's account of the disposition of the public funds.⁵⁰ There was, of course, nothing to do but to forward the required papers, with the inevitable disclosure regarding the remission of taxes. But Pitkin in a letter that accompanied it prepared Hillsborough for the discovery:

I beg leave further to acquaint your Lordship that [of] the heavy debt on this Colony Incurred during the last Warr (although the taxes were early laid for the payment thereof and the utmost efforts used to Collect them yet by reason of our Exerting ourselves therein beyond our Abilities the great loss Sustained in our Labouring Men, our Lands Depreciated at least one-third in their Value) there still remains to the amount of forty-eight thousand pounds unpaid, still a heavy Weight on the people, on Account of which the Assembly

⁴⁸ *Ibid.*, XII. 668.

⁴⁹ William Pitkin to the Earl of Shelburne, June 1, 1767, *Pitkin Papers*, Conn. Hist. Soc., *Coll.*, XIX. 86.

⁵⁰ Earl of Hillsborough to the Colony of Connecticut, Feb. 23, 1768, *ibid.*, XIX. 114.

have Omitted for two years past laying any tax on the people to give them time to Struggle through and Discharge their former outstanding Debt.⁵¹

But the financial statement was so adroitly framed as to hide the essential facts. Indeed, in writing to William Samuel Johnson, Connecticut's agent in London in the summer of 1768 about the time of the sending of the Pitkin letter to Hillsborough, Jonathan Trumbull, who was then deputy governor, referred to the necessity of sending this information about the finances. "In obedience," he declared, "the Treasurer's Acct. for one year past, and the Establishment of Civil Offices and their Salaries duly Authenticated are transmitted—I fancy they will prove Satisfactory to answer the Design." He, however, went on to say most significantly: "I rather thought they wanted also the Public Lists of Polls of Estates—and were that asked it might appear in a light to them which might prove disadvantageous to the colony."⁵²

The British ministry had come to feel that some relief should be secured for the British taxpayer bent under a crushing load of taxation. Hillsborough, the new secretary of state for the colonies, in an interview with Johnson in 1768 insisted that the Connecticut people were infinitely better off when it came to taxes than were the people of England and in all fairness should make some definite contribution to the exchequer for imperial administration. In view of the determination of the Connecticut authorities to mislead the British government, it is perhaps not surprising that the Connecticut agent

⁵¹ Gov. Pitkin to the Earl of Hillsborough, undated, *ibid.*, XIX. 152-153. *Conn. Col. Rec.*, XIII. 78.

⁵² Jonathan Trumbull to William Samuel Johnson, July 4, 1768, Johnson MSS., Conn. Hist. Soc. What, of course, Trumbull had in mind was the non-collection of back taxes.

should reply to this suggestion that the burdens of the Connecticut people "were truly very great, and even more than we knew how to bear."⁵³ However, writing the following year confidentially to his friend Joseph Trumbull, to congratulate the people of the colony on their happy financial situation, he declared, "I am glad to find the Colony so nearly out of debt," and then proceeded to caution his correspondent that he desired Parliament to know "as little as possible of our internal circumstances and police [policy], especially in point of taxation, which," he said, "they will never clearly understand, and which may be liable to much misconstruction."⁵⁴ The opinion, however, may be ventured that the one thing Johnson and the colonial authorities were most solicitous about was that Parliament and the ministry should never understand the real taxation situation in Connecticut.

It is now well known that this was the period when Connecticut made her first appearance as a center of wealth. Well might a writer in a local paper in 1770 "contemplate New Haven's great Increase within those few Years past, by the many and Elegant Buildings erected."⁵⁵ That which was true of this town was also true of other flourishing centers of population. A traveler journeying up the Connecticut in 1769 declared that parents were sufficiently wealthy to provide farms and equipment for their numerous children as soon as the latter were ready to marry.⁵⁶ In England it is well known that such a provision for children was utterly impossible for parents in the same station in life. Indeed, according

⁵³ William Samuel Johnson to William Pitkin, Feb. 13, 1768, Mass. Hist. Soc., *Coll.*, 5th series, IX. 262.

⁵⁴ William Samuel Johnson to Joseph Trumbull, Apr. 15, 1769, *ibid.*, IX. 333-334.

⁵⁵ *Connecticut Journal*, Dec. 7, 1770.

⁵⁶ *Connecticut Courant*, Sept. 6, 1769.

to abundant contemporary evidence, the burden of taxation in England was so overwhelming with respect to the rural population that the yeoman class of small farmers was rapidly disappearing, giving place to a race "of *puny, abject wretches*, tamed by *want* into *servitude*."⁵⁷ One needs, therefore, to qualify very considerably the statements made by Pitkin and Johnson regarding the great financial discouragement and poverty under which the people of the colony were laboring.

Connecticut, in truth, occupied a privileged position within the empire. She was practically autonomous so far as her government was concerned, and she paid scant respect to the laws of Parliament that were supposed to bind her, at least when those laws, such as the navigation and trade acts, were as she conceived, against her interests. She sought the benefits of the imperial connection without desiring to assume reciprocal responsibilities. When the crisis finally arose over the question of the liability of the colonies to make some definite, direct contribution to the charges of the imperial administration, she did not hesitate to join in the efforts then made to wreck the British Empire, identification with which seemed no longer to bring benefits but rather, obligations. Then it was that she proceeded to call into her treasury the outstanding arrears of taxes for the years from 1758 to 1765 which, since she had not required them, had been left, as it were, a loan to those towns that had failed to make payment.⁵⁸ These back taxes with interest charges from the year 1767, turned into the commonwealth treasury between 1770 and 1780, aided the colony to make those preparations not only to defy Great Britain

⁵⁷ Robert Nugent, *Considerations upon a Reduction of the Land Tax* (London, 1749), p. 22. See also *The Present Taxes compared to Payment made to the Publick within the Memory of Man* (1749), pp. 46-48.

⁵⁸ See Section I of this paper.

in attempting to maintain over her an effective control, but to establish her independence. It is, indeed, one of the ironies of history that the munificence of the mother country to Connecticut in her hour of need should ultimately have been returned by the colony from the muzzles of the guns of her embattled farmers.

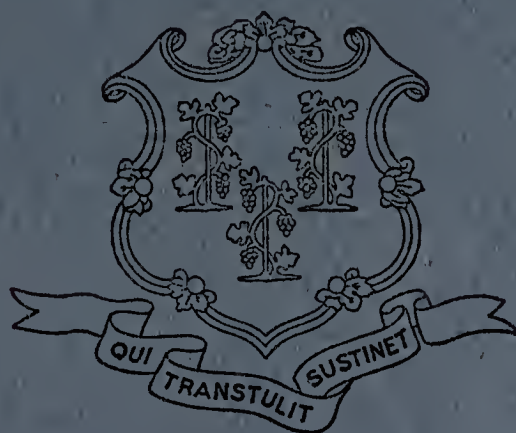
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Connecticut. History

XI

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Boundaries of Connecticut

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Boundaries of Connecticut

ROLAND MATHER HOOKER

THE modern map of the state of Connecticut reveals peculiarities in its boundaries which incite interest and curiosity as to their causes.

On the north the boundary with Massachusetts runs straight from the northwestern corner of the state, until it reaches the town of Granby, where the town of Southwick, Massachusetts, forms an indentation three miles by about two and three-quarter miles square. The boundary then continues along the same general line as before, until the Connecticut River is reached, where on the east side there is another small indentation into the township of Enfield; after which the line remains straight until the northeast corner of the state is reached.

On the east the boundary line with Rhode Island starts at Long Island Sound at the mouth of the Pawcatuck River, follows this river as far as it runs north, and then continues on in the same direction to meet the northern boundary of the state.

The southern boundary is Long Island Sound, and so may be termed a natural boundary free of any special features.

On the west marked irregularities are again manifest.

Starting at the mouth of the Byram River, the line, after following the river a few miles, cuts north-northwest for eight miles, runs fifteen miles northeast parallel to the Sound, and then proceeds north-northwest for about seven miles until it turns north in a line parallel to the Hudson River. It is the purpose of this paper to explain the irregularities of the boundaries and to summarize the controversies relative to the establishing of these boundaries.

The boundaries of Connecticut in the earliest times were based upon two grants of land, one by the Earl of Warwick to a group of gentlemen in England, and later bought by the Connecticut Colony, and the other by the crown in the charter issued to the Governor and Company of Connecticut by Charles II in 1662. The Warwick Patent was of doubtful legal validity and as it was entirely superseded by the royal charter need not be considered. It may be truthfully said that until Connecticut obtained her charter she had no certain legal right to existence as a separate plantation.

The reason for Connecticut's freedom from interference from the English government during the years from 1635 to 1660 can be found in the struggle between Charles I and his parliament which culminated in the execution of Charles and the establishment of the Commonwealth. In turn the death of Cromwell, the overthrow of the Protectorate, and the restoration of the monarchy under Charles II placed Connecticut in a dangerous position. It was therefore decided that Governor John Winthrop should be sent to England and attempt to obtain a charter from Charles II. The endeavor was successful. In 1662 the charter passed the seals and became the basis of all of Connecticut's future territorial claims.

The boundaries so granted were "on the east by the Narragansett River commonly called Narragansett Bay,

on the north by the line of the Massachusetts plantation, and on the south by the sea and so on the west to the South Sea or Pacific Ocean with the adjoining islands." Within the next few years these boundaries caused conflicts with Rhode Island on the east and New York on the west, as well as with Massachusetts on the north.

Let us consider these various controversies in turn, beginning with that of Rhode Island.

At the time Governor Winthrop was in London getting the Connecticut charter, Dr. John Clarke was also in London on a similar mission for the Rhode Island colony. After the Connecticut charter had been granted, these two men met and drew up an agreement as to the boundary between their respective colonies. The territory involved was that obtained from the Narragansett Indians, the boundaries of which were undefined but were generally considered to extend from Narragansett Bay to the Pawcatuck River. Winthrop agreed to surrender to Rhode Island Connecticut's claims beyond the Pawcatuck River and in accordance with this agreement the Rhode Island charter, which was granted fifteen months after that of Connecticut, contained the following:

Any grant or clause in a late grant to the Gov. & Company of Connecticut Colony in America to the contrary thereof in any way notwithstanding, the Pawcatuck River having byn yielded after much debate for the fixed and certain bounds between these our sayd colonies by the agents thereof, who have also agreed that the sayd Pawcatuck river shall bee also called alias Narragansett river, and to prevent other disputes that otherwise might arise thereby, forever hereafter shall be construed, deemed and taken to be the Narragansett River in our late graunt to Connecticut colony mentioned as the easterly bounds of that colony.

The Connecticut assembly repudiated the Winthrop-Clarke agreement on the ground that Governor Winthrop

had been authorized to obtain a charter, but not to enter into any agreement with agents from other colonies as to what the boundaries granted under the charter should be. The question of the Narragansett territory was also complicated by events preceding the granting of the Connecticut charter. Connecticut had claimed the territory under the Warwick Patent, Rhode Island had claimed it under a patent granted by the Long Parliament in 1644, and Massachusetts had claimed a portion of the land as a reward for the aid rendered Connecticut in the Pequot War.

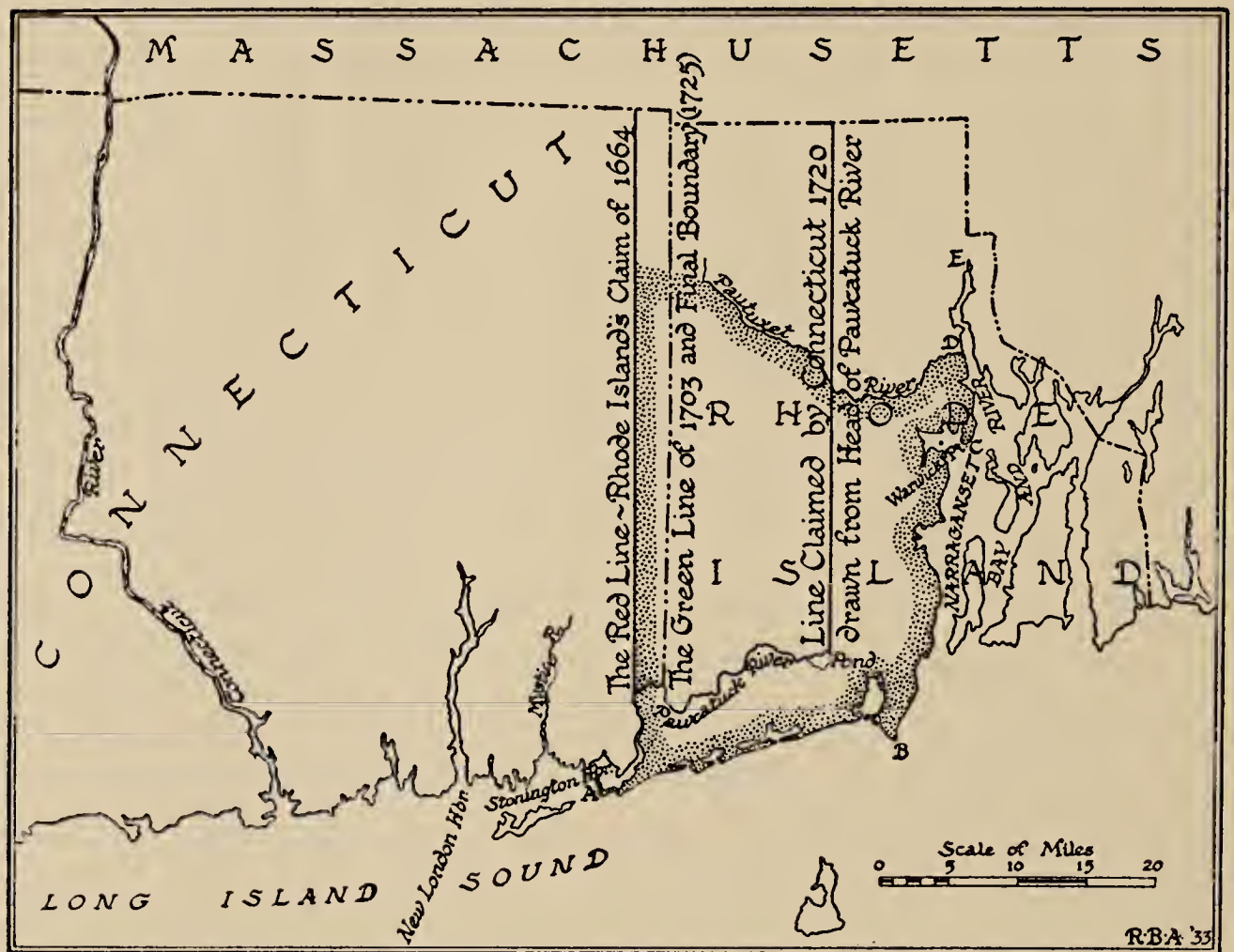
In 1649 William Cheseborough and Thomas Stanton made settlements near Mystic under Massachusetts' sanction and denied the authority of a constable from Connecticut. In 1650 Massachusetts sent Captain Atherton into the Narragansett country to demand tribute from the Indians.

The dispute between Connecticut and Massachusetts over this strip of land between the Mystic and Pawcatuck Rivers dragged on until 1658 when the commissioners of the New England Confederation placed the line at the Mystic River giving Massachusetts all the land east of it. As soon as Connecticut received her charter, she repudiated this agreement and pressed her claims to all the land to the Narragansett River or Bay. In accordance with this claim, on July 10, 1663, Connecticut changed the name of the town of Narragansett to Wickford and appointed town officers. The people of Wickford acquiesced in Connecticut's claims and asked for the usual privileges of new Connecticut towns. Rhode Island was angered by Connecticut's repudiation of the Winthrop-Clarke agreement and declared the establishment of Connecticut jurisdiction at Wickford to be legalized robbery, effected by underhand dealing. In the next year the Rhode Island governor wrote to the Connecticut governor complaining

of Connecticut's actions at Wickford and asking that a line be run between the two colonies. At the same time the people in Wickford petitioned Connecticut for protection against Rhode Island. Connecticut supported the Wickford inhabitants by giving them magisterial powers. This did not deter Rhode Island from making arrests in the disputed districts, and thus continuous conflict was waged between the inhabitants and the Rhode Island officials. Matters went from bad to worse, until Connecticut agreed to the appointment of commissioners to consult with similar Rhode Island commissioners in determining the boundary line. Before the commissioners were appointed, however, Connecticut scored a point by having her claim sustained at a meeting of the commissioners of the New England Confederation on September 9, 1664. As Rhode Island had never been admitted to the New England Confederation it is not strange that the case was decided against her. In all this controversy, it is important to remember that, owing to her freedom in religious matters, Rhode Island was considered beyond the pale by all the other New England colonies who were very orthodox in their adherence to a strict Calvinistic puritan doctrine. It is true that Connecticut did not require membership in the church as a qualification for freemanship but there were few freemen who were not church members. Massachusetts and New Haven demanded church membership as a requirement for freemanship, whereas Rhode Island was established on the basis of religious freedom. It is only natural, then, that the strictly religious colonies should be prejudiced against what they considered radically liberal Rhode Island.

When the commissioners from Connecticut and Rhode Island finally met, they were unable to reach an agreement. In the following year, 1665, commissioners from

Charles II arrived in New England with powers to investigate all colonial matters and to adjust inter-colonial differences. Connecticut referred the dispute with Rhode Island to them, claiming all the land extending to the Narragansett Bay. The commissioners listened to the



The shaded area shows the King's Province.

The Red Line was measured twenty miles west of Warwick Point by Rhode Island. Connecticut claimed all land to the Narragansett Bay and River by the Charter of 1662 (line A-B-C-D-E).

Connecticut claims and decided that neither Connecticut nor Rhode Island should have this disputed territory; that the land in dispute should belong directly to the king of England. They called it "the King's Province" and absolutely separated it from either Connecticut's or Rhode Island's jurisdiction. The basis of this judgment by the king's commissioners was the fact that in 1644 the

native Indian sachems of the territory had surrendered their lands to the king in return for his protection. An Indian deed was produced to prove the surrender. The royal commissioners at first ordered all the inhabitants of the King's Province to leave the territory involved, but upon their protest this order was modified to permit those really living on the land to remain on their plantations and await the king's pleasure. Temporary jurisdiction was given to Rhode Island on March 20, 1665, the Pawcatuck River being established as the eastern boundary of Connecticut. Connecticut refused to accept this ruling of the royal commissioners as final, hoping that the king and council in England might not confirm it.

While awaiting the final word from England, Connecticut and Rhode Island, neither desiring a portion of land directly under the king so close to its borders, attempted to reach some agreement between themselves. Nothing came of these attempts, and again in 1668 Wickford and Southertown (Stonington) appealed to Connecticut for protection from Rhode Island. Connecticut promised them aid, and negotiations with Rhode Island dragged on for several years.

At last in 1670, three commissioners were appointed by each colony to settle the question of the boundary. They met at New London on June 14. Connecticut's case was seriously weakened by Governor Winthrop's action. He claimed, and justly, that as he had made the agreement with Clarke, Rhode Island should have jurisdiction to the Pawcatuck River, and that he, as governor of Connecticut, could not exercise jurisdiction east of that river. The other Connecticut commissioners declared that Winthrop was not bound by the agreement, but he asserted he was so bound until the king's pleasure was known. Rhode

Island threatened to appeal to the king if she was not given the Pawcatuck River as her boundary and demanded that Connecticut retire from the disputed territory. Connecticut refused to withdraw and demanded that Rhode Island do so instead. With such stubborn determination on both sides, no agreement could be reached and the conference terminated after two days.

Later in the same year, agitation having somewhat subsided, Rhode Island wrote to Connecticut, pointing out the trouble and expense of an appeal to the king, and suggested that another attempt be made to settle the problem between themselves. Nothing came of this suggestion until 1671 when commissioners were appointed by both colonies. Before anything could be accomplished, trouble broke out along the border. A constable and fifty men from Stonington broke up a meeting of a court which Rhode Island had set up on the east of the Pawcatuck River. Rhode Island now proposed a mutual reference to the king, or a conference in which Winthrop and Clarke should be present. This was a clever move, as we have seen that Winthrop had conceded the disputed territory to Clarke in 1662.

Connecticut did not reply at once to Rhode Island's latest request, but, in a letter on October 12, agreed to negotiate a treaty if the commissioners appointed should have full power. This was an astute proposal, as, until this time, Rhode Island had held that under her charter she could not surrender the boundary of the Pawcatuck. If she should give her commissioners full power to establish boundaries not in accordance with her charter limits, an important concession would have been granted. She refused to fall into the trap and in a letter, November 4, replied that she had no power to change her charter limits. Either her cleverness in avoiding the trap or her

obstinacy angered Connecticut, who retorted that she would not have troubled to reach a just settlement if she had suspected that Rhode Island had no intention of admitting that negotiations could lead to no boundary adjustments.

It is too long a story for the space permitted to follow closely the negotiations of the next few years. Connecticut strengthened her claim slightly by the withdrawal of some of the Rhode Island settlers from the Narragansett country during King Philip's War and the settlement of these lands by people from Massachusetts, who wished to be under Connecticut's jurisdiction. After the war was over Rhode Island refused to countenance these Connecticut claims. It was at last decided to petition the king. William Harris was appointed the Connecticut agent to go to London but he was captured by Algerine pirates and soon after his ransom died in London, so Connecticut contented herself with sending by letter a statement of her case to England. Rhode Island also sent her petition on August 1, 1679.

While waiting for a reply to these petitions a status resembling war existed between the colonies. In 1680 Rhode Island issued warrants for the arrest of Stephen Richardson, a Connecticut constable, who had been acting in an official capacity in Westerly. Despite Connecticut's demand Rhode Island refused to release him, whereupon Connecticut in retaliation placed Joseph Clark of Westerly under arrest, and this reprisal was succeeded by such military preparations as to make it impossible for Rhode Island in the next two years to do more than protest.

Charles II on April 7, 1683, appointed commissioners to settle the dispute. They were to meet at Wickford, but Rhode Island forbade the court to sit within what

she claimed to be her boundaries. The court moved to Boston where Rhode Island did not appear, but Connecticut handed in her claims. After hearing Connecticut's claims the commissioners decided in her favor, granting the Narragansett country to Connecticut and commanding Rhode Island not to interfere. The decision of the commission could not become effective until it had been confirmed by the Privy Council in England, and as the council took no action in the matter, the report was not accepted by Rhode Island and the quarrel continued.

In 1686 Sir Edmund Andros was appointed royal governor of the Dominion of New England, and the Connecticut and Rhode Island charters were suspended. Rhode Island's claims to the Narragansett country were brought before him and were decided in her favor. Her right of jurisdiction was thus guaranteed her. Andros's rule lasted only three years and with the resumption of the charters under William and Mary the quarrel broke out again.

The question was once more sent on appeal to England and on October 28, 1696, the attorney-general of England decided in favor of Connecticut. Again there was no confirmation by the Privy Council, and Rhode Island refused to accept the attorney-general's ruling.

In 1699 the Board of Trade requested the Earl of Bellomont to make a friendly settlement of the dispute. He came to Newport but was unable to reach an agreement satisfactory to both parties, so he ordered both colonies to send agents to London to settle the matter there.

Connecticut appointed, as her agent, Sir Henry Ashurst; Capt. Joseph Sheffield, with Brinton as his colleague, acted for Rhode Island.

Now that the dispute had been referred to England for a final decision, both Connecticut and Rhode Island began to fear that the Board of Trade might advise the

withdrawal of both charters, on the grounds that they led to constant disagreements and that the colonies did not seem able to keep peace between themselves.

Prompted by this fear, Connecticut and Rhode Island in May, 1703, got together and reached an important agreement at Stonington.

The Pawcatuck River, from Long Island Sound to the Ashaway River, and then due north till it met the Massachusetts line, was chosen as the inter-colonial boundary. It was almost a complete victory for Rhode Island, as this was approximately the line for which she had fought so long and which had been granted her under her charter. Why Connecticut capitulated so completely after fighting for forty years is difficult to decide. Fear of losing her charter may have decided her, or Rhode Island's perseverance may have proved discouraging. During the years of altercation Connecticut had received four decisions in her favor, Rhode Island only three.

The agreement of 1703 was not the end of the contention, as the line had not yet been surveyed. An attempt in 1714 to have it surveyed came to naught and in 1720 Rhode Island alone ran a line from Warwick Point west for twenty miles to a point which she claimed to be the western limit of the Warwick purchase and so the point from which to measure the north and south boundary, and gave notice of an appeal to the king to have this line confirmed. This re-opened the entire controversy and the governor of Connecticut, Gurdon Saltonstall, sent a letter to the Board of Trade in London claiming the entire Narragansett country. A map was enclosed which showed that Connecticut claimed all the land to Narragansett Bay. Although she felt this territory to be hers by right, in this letter she agreed to limit her demands to a line that should run north from a pond (Worden's Pond)

in the western part of the present town of South Kingston, which she claimed to be the head of the Pawcatuck River. Another map showing how this pond was connected with the Pawcatuck River was enclosed as well as oaths of the people living near the pond to the effect that it had been known as the head of the Pawcatuck for many years.

This claim would have taken most of the Narragansett country from Rhode Island, who naturally protested, but agreed to leave the case in the hands of the king.

After the usual delay, the Board of Trade reported to the Privy Council. The report is a long and exhaustive review of all the various claims of the two colonies. Several angles of the controversy are emphasized, one, that Connecticut did not feel bound by the agreement of 1703, as the Connecticut commissioners "did not concur in marking the said boundary and that the same was drawn by those of Rhode Island only." The report continues:

But upon further inquiry into the fact it appear'd to us by the confession of the agent of Connecticut that the Commissioners of Connecticut did actually meet and concur with those of Rhode Island in drawing of the said green line as a boundary. The said agent however contended that the agreement was invalid, the assembly of Connecticut having disallowed the proceeding of its own commissioners because those of Rhode Island were not fully impowered, but he produced no act of assembly or any other proof of the fact except his own averment.

The Board of Trade summed up its decision in the following words:

Upon the whole it seems probable to us, as well from the pretended grant of the Earl of Warwick and others to the colony of Rhode Island as from the submission of the boundaries to arbitration by the agents of Connecticut and Rhode Island so soon after the Charter for Connecticut had been ob-

tained that King Charles the 2nd was surprized in his grant to Connecticut and that His Majesty intended to redress the grievance complained of by Rhode Island by his subsequent charter to them, but the former Charter to Connecticut being still in force and never made void by scire facias or otherwise it is certain that the relief intended for Rhode Island is of no force in Law.

However, in justice to Rhode Island it must be observed that the transactions of the commissioners appointed by the respective colonies of Connecticut and Rhode Island, when the Green line was drawn for a boundry between them, are strong proof that those of Connecticut did apprehend that the pretensions of Rhode Island were just and equitable.

. . . considering therefore that the matter in dispute has no relation to private property, that the contest which is purely for government and jurisdiction has already lasted sixty years, and may, unless the Royal Authority should interpose, be perpetual to the great disturbance of the peace of these colonies and to the discouragement of planting and settling the lands in dispute, it were to be wished that they would both voluntarily submit themselves to His Majesties immediate government, as some other colonies have done, and that they might be annexed to New Hampshire.¹

Anyone with even a slight knowledge of Connecticut and Rhode Island history will understand with what consternation this suggestion, that they surrender their charters, was received by the two colonies. Both colonies considered their charters their most prized possession and would have gone to almost any length to protect them.

Their attitude was made known to the Privy Council, and at the same time both colonies agreed to submit to any ruling that might be made on the boundary question

¹ For the green line mentioned in this extract from the representation of the Board of Trade see the map from the Colonial Office papers at the end of this paper. This map has never before been reproduced. A fair copy of it may be found in *Acts of the Privy Council, Colonial III*, Appendix V.

by the council without further protest. The Privy Council returned the report to the Board of Trade with the statement that surrender of the charters and annexation to New Hampshire were not feasible, and asked for another recommendation.

This recommendation was made January 6, 1725-26, and was the basis for the final adjustment of the problem. Rhode Island received the decision and the boundary established was that of 1703. The explanation for the decision was given in the report as follows:

The agents of Connecticut in answer to this did then allege that John Winthrop after having obtained the charter for that province had no authority to submit the boundaries to a second determination.

But the agent for Rhode Island having now laid before us a new piece of evidence, which is the appointment by the General Assembly of Connecticut, in October 1702, of certain commissioners to meet those of Rhode Island in order to settle the boundaries between the two colonies; it plainly appears from this instrument that the General Assembly of Connecticut were so far from thinking that their late agent Winthrop had exceeded his commission in submitting the boundaries to arbitration, after their charter was passed, that they expressly provide, "That nothing to be done by the commissioners shall alter or change the property of any persons lands, but that property shall be saved according to the agreement of their late agent John Winthrop, made in the year 1663 with Mr. Clarke agent for Rhode Island."

These few words lost the case for Connecticut. If she recognized the property rights under the Winthrop-Clarke agreement she was forced to recognize the entire agreement as binding. There was a slight difference between this agreement and that of 1703. This difference can be most easily seen on the map reproduced from the Colonial Office papers. The red line shows the Winthrop-Clarke agreement and the green line that of 1703. The

green line was of advantage to Connecticut and was granted here in the following words:

But as some doubts have been made with respect to their bounds, even as they are stated in the Rhode Island charter, arising from the uncertainty and variety of names given to places and rivers; and as the green line on the annexed map was determined in 1703, to be the division line between the two colonies by the Commissioners respectively appointed for that purpose; we humbly propose that his Majesty may be graciously pleased to signify His pleasure, that the aforesaid green line may hereafter be the settled Boundary between the two colonies.

In the following year the line was surveyed. Yet bad feeling continued to persist between the colonies, each claiming that the monuments erected along the line had been unfairly placed. Both colonies, however, had confirmed the line by 1742. In 1840 the line was re-surveyed but no material changes were made, the line remaining approximately the same as in 1703.

It was fortunate for Rhode Island that she persevered in the long struggle, as being so small, even after her victory, she would have been almost destroyed if Connecticut's claims to the Narragansett country had been vindicated.

In the next controversy that we shall describe—that of Connecticut and Massachusetts—the rôles are, to a large extent, reversed. Massachusetts was the larger colony and Connecticut the smaller. While a complete victory for Massachusetts would not have destroyed Connecticut, it would have resulted in a loss which would have cut quite a segment from her northern and eastern boundaries.

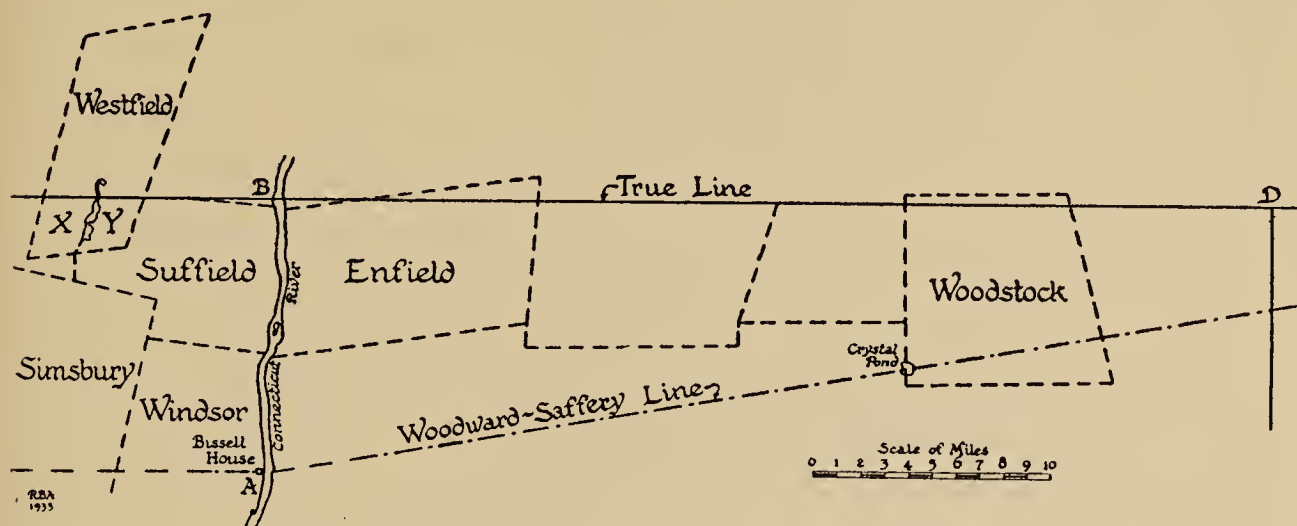
Massachusetts claimed part of the Pequot territory as a reward for aid in the Pequot War, and insisted that the boundary had been set, by agreement, at the Mystic

River. As soon as Connecticut's charter was granted, which included this territory, Connecticut repudiated the agreement and as, legally, Massachusetts had no claim to this area, it being outside her own chartered bounds and within those of Connecticut, Massachusetts soon relinquished the attempt to keep this territory, and the big problem of the boundary running east and west between the two colonies became the paramount issue.

According to the Massachusetts charter the line should run west from a point three miles south of the southernmost part of the Charles River, but just where this line would fall in Connecticut was uncertain. At first it was thought that Springfield was south of this line, and for several years that settlement was considered part of Connecticut, but in 1644 Massachusetts' claim to Springfield was sustained at a meeting of the commissioners of the New England Confederation, although Springfield was required to pay a tax to Connecticut on goods sent down the Connecticut River—which money was used in part payment for the Warwick Patent bought from George Fenwick.

The claim to Springfield by Massachusetts was based upon a survey made in 1642 to determine Massachusetts' southern boundary. This line was determined by Nathaniel Woodward and Solomon Saffery under Massachusetts authority. These men were not qualified for the position and made a mistake which was the foundation of the Massachusetts-Connecticut boundary strife. They started the line at a point they thought to be three miles south of the most southern part of the Charles River and instead of running it across country, as they should have done, they sailed round Cape Cod and up the Connecticut River to a point which they thought would be on the same degree of latitude with their starting point. The

point they chose was eight miles too far south, thereby cutting a segment, eight miles at its widest point and about four miles at its narrowest, from certain parts of Connecticut's northern area.



This shows the error in the Woodward-Saffery Line with the resulting uncertainty as to which colony Suffield, Enfield, and Woodstock should belong.

Connecticut was not slow to discover this mistake and protested against this line at a meeting of the New England Confederation in 1649. She even voiced once again her claim to Springfield. Massachusetts denied her claims, and Connecticut was powerless.

Time passed, and as the town of Windsor grew the question as to where the Woodward-Saffery line should pass through that town became the dominant issue.

Massachusetts proposed a re-survey of the Woodward and Saffery line and was even willing to compromise to the extent of permitting the north line of Windsor to extend up the Connecticut River within forty rods of the Great Island, then east of the river four miles, and then south to the old line.

Connecticut refused the compromise and threatened in 1680 to make a new survey alone, if Massachusetts would not unite in making one with her. At this time several of the border towns, Suffield in 1686 and Enfield in 1693,

complained of the encroachments of Massachusetts, and petitioned Connecticut to protect them. Before taking any aggressive steps, Connecticut thought it wiser to have a new survey made. Connecticut asked Massachusetts to join in the survey, but upon her refusal, she appointed John Butcher and William Whitney to make the survey alone, which they completed on August 20, 1695. They started from a point three miles south of Wrentham Pond which was in latitude $42^{\circ}-3'$, the same point from which Woodward and Saffery had also started, but had, through error, thought it to be in $41^{\circ}-55'$ N. Lat. Today $42^{\circ}-3'$ N. is the northern boundary of Connecticut, although Butcher and Whitney in their report accused Woodward and Saffery of another error, stating that the point the line should have been run from was $42^{\circ}-4'$ north.

Massachusetts objected to the above report saying that the old line should not be disturbed. Connecticut made no reply but quietly began to settle upon lands in Enfield and Suffield. Massachusetts again objected, and Connecticut in 1700 appointed commissioners to make an agreement with Massachusetts as to the boundary line.

Massachusetts at first refused the Connecticut commissioners' proposals, but later made counter proposals that the Suffield town line should be continued sixteen miles west and the Enfield line eight miles east and then south to the old line if that part of Woodstock which was south of the Woodward and Saffery line be granted to her. Connecticut yielded all claim to Woodstock and proposed that a line be run from $42^{\circ}-3'$ N. Lat. due west, all towns along this line to belong to the colony which had first settled them.

In 1702 James Taylor of Massachusetts, and Pitkin and Whiting of Connecticut, confirmed the line of 1695

which, as we have seen, returned to Connecticut seven miles of the territory she had lost because of Woodward's and Saffery's error. Massachusetts failed to grant Taylor full power in this survey and so refused to recognize this settlement. In order to force Connecticut to forfeit any claim due to this agreement, Massachusetts threatened to appeal to Queen Anne if any change from the boundary of 1662 were made. Connecticut replied with threats of a similar appeal unless the line of Taylor and Pitkin were confirmed. Massachusetts gave in a little by agreeing that Windsor might have jurisdiction up the river to Taylor's line but would not permit Enfield and Suffield to join Connecticut. A year later, even the concession to Windsor was withdrawn and Massachusetts claimed all the land down to the old line.

It was a most unsettled time. Persons from Connecticut went into Massachusetts territory and there insulted the inhabitants, claiming jurisdiction over them. In return, men from Enfield and Suffield crossed into Windsor and Simsbury to steal timber and turpentine, and to imprison the inhabitants.

In 1708 Connecticut made a final conciliatory attempt to settle the problem with Massachusetts. Commissioners were appointed by the general assembly with full powers to meet with like commissioners from Massachusetts. An appeal to the queen was threatened in case of refusal on the part of Massachusetts to appoint commissioners. Massachusetts refused and both colonies sent memorials to London.

Little that was new was brought out in the two memorials. Massachusetts claimed the old line of 1642 to be almost, if not entirely correct, stating "artists alike skilful may differ in a point or some minute thing but it is very improbable and unlikely the difference can be so

great" as Connecticut claimed. She also pointed out that the old line had existed for sixty-six years.

Connecticut indicated just what the error was in the old line and showed the differences between the Woodward and Saffery line and the Taylor's line. She sent her memorial to her agent, Sir Henry Ashurst, but unfortunately for the colony's aspirations he soon died. Conditions in England at the time were unfavorable to both Massachusetts and Connecticut. A strong party in England wanted to annul the private charters and make Connecticut a royal colony. It was therefore to the advantage of both colonies to avoid drawing the attention of the British government to themselves. Largely due to the fear that British settlement might result in mutual disaster, Massachusetts and Connecticut came to an important agreement in 1713. Massachusetts was to have jurisdiction over her old border towns although they fell south of the new boundary line. In return for this concession, Massachusetts was to compensate Connecticut with an amount of land in western Massachusetts and New Hampshire equal in size to the amount of land taken from her south of the boundary line. The tract around Windsor was to be given over to Connecticut. In all, the lands taken by Massachusetts south of her boundary line came to 107,793 acres. Connecticut sold the lands granted, in exchange for £683 New England currency April, 1716, and gave the money to Yale College. In 1717 commissioners from both colonies ran the line from the Connecticut River to the New York line without further controversy.

It would seem that the agreement of 1713-1717 would have settled for all time the boundary controversies between Massachusetts and Connecticut. Both of the colonies were satisfied, Massachusetts having received the land

she desired, and Connecticut having received money as a recompense. However, one very important factor had been omitted in making the settlement, the desires of the inhabitants of the border towns of Woodstock, Enfield, and Suffield. They had not been consulted as to their wishes with regard to whether they were to be governed by Massachusetts or by Connecticut and, due to the fact that taxes were higher in Massachusetts than Connecticut, were not at all pleased by being handed over to the Massachusetts government. Almost at once, movements were started in these towns to get away, as they called it, from Massachusetts.

In 1724 both Enfield and Suffield petitioned the general assembly of Connecticut for permission to be joined to that colony. The general assembly replied that nothing could be done in that respect as Connecticut must adhere to the agreement of 1713.

In 1747 the inhabitants of Woodstock, although the town had been settled by Massachusetts people originally, felt that they would be benefited if they joined with Suffield and Enfield in an attempt to leave Massachusetts for Connecticut. They petitioned the Connecticut general assembly and claimed that as they were within the charter limits of Connecticut, Connecticut had no right under the said charter to permit Massachusetts to have jurisdiction over them. They also pointed out that the agreement of 1713 had been without their consent, and so was of no value. They asked to be annexed to Connecticut.

By this time Connecticut had begun to regret the agreement of 1713. Forty-four years had lapsed since it had been made and a new group of men were in charge of the government. Thus, instead of an absolute refusal, as in 1724, a committee was appointed by the general as-

sembly to investigate the matter and to ascertain whether anything could be done to bring Woodstock into Connecticut. Commissioners were also appointed to discuss the problem with Massachusetts. Massachusetts, having nothing to gain and everything to lose by any reopening of the question, refused to deal with the Connecticut commissioners.

Woodstock was greatly encouraged by Connecticut's action and appointed Thomas Chandler and Henry Bowen to go to Hartford and urge the Connecticut general assembly to even more definite action. In case they were unable to get the assembly to agree to their union with Connecticut they were to appeal to "the great Court of England." Another strong argument in their favor was that the agreement of 1713 had never received royal confirmation and so was in no way binding. Connecticut was of course anxious to receive the towns. She was strengthened in her position by a written opinion from New York, signed by R. Bradley, the attorney-general, William Smith, and Richard Nichols, which stated that all towns south of the Connecticut-Massachusetts boundary should by law be part of Connecticut and that under her charter she had no right to give up jurisdiction over them.

Two years later, May, 1749, after due consideration, Connecticut voted to receive the towns of Enfield, Suffield, Somers, and Woodstock, appointed commissioners to meet similar Massachusetts commissioners in order to change the line, and threatened to appeal to George II for confirmation of her actions if Massachusetts did not agree.

Massachusetts was furious over the action of Connecticut in receiving the towns. She wrote her agent in London to have the agreement of 1713 confirmed. Con-

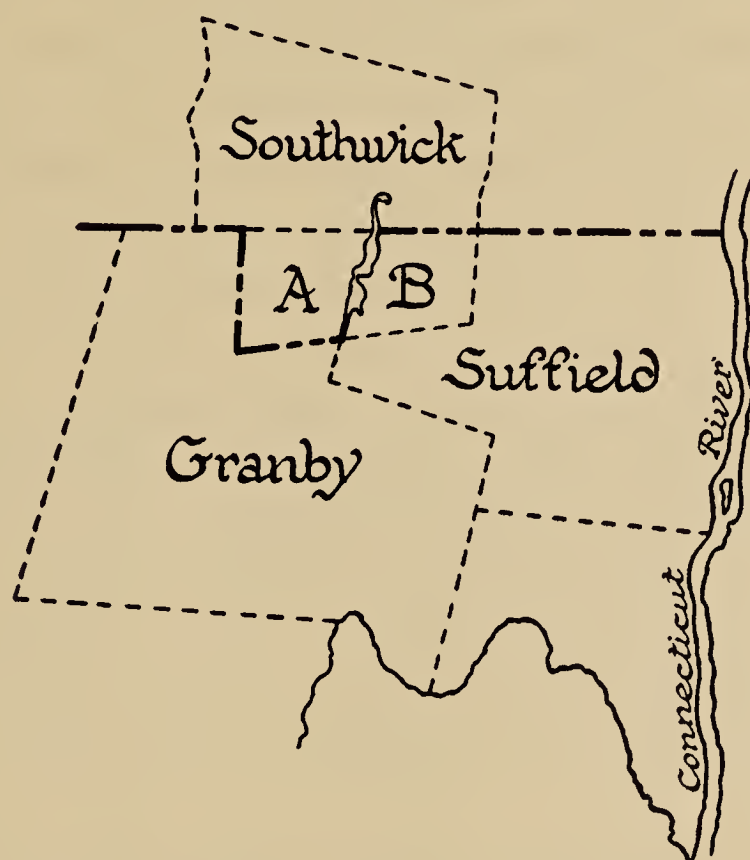
necticut, however, had written her agent to guard against the confirmation of this agreement. Woodstock at once held a special town meeting and elected Thomas Chandler and Henry Bowen members of the Connecticut general assembly. Massachusetts again protested but Governor Law of Connecticut replied that he did not see how Massachusetts could maintain her authority outside her patent limits. Massachusetts was not ready to meet Connecticut's commissioners to discuss the matter, but Connecticut, feeling that possession was nine points of the law, insisted on a settlement according to the charters which would of course have given the towns to Connecticut. Massachusetts continued to send petitions, write letters, and threatened violence. Connecticut maintained her position. An impasse had been reached and it seemed that the only way a settlement could be made would be through an appeal to the crown. Rhode Island, who was also disputing her boundary with Massachusetts, agreed to join Connecticut in the appeal. Committees were appointed by these two colonies April 4, 1752. They reported that Massachusetts, through the error of Woodward and Saffery, held a tract of four miles along the entire boundary line which did not belong to her. This report was sent to England in the following year. The attorney-general, Lord Mansfield, after considering the matter, stated, "I am of the opinion that in settling the above bound, the crown will not disturb the settlement of the two Provinces in 1713."

If the problem had been decided in England, Massachusetts, on the strength of Lord Mansfield's statement, might have received the decision. However, at that time England was busy with the Seven Years' War and had no time to bother with disputes between two far distant colonies. What was of importance to the men of Massa-

chusetts and Connecticut, and of great moment to the men who lived in the disputed towns, was of no importance to the men who lived in England and were fighting the French for a colonial empire. So nothing was done in England. In New England Massachusetts continued to protest and Connecticut continued to govern the towns. This went on until the time of the Revolution, the towns remaining in Connecticut's possession. One result of Woodstock's annexation to Connecticut was the loss of a strip of land which had been part of the town before this union, but which was certainly north of any possible interpretation of Connecticut's charter and so became province territory of Massachusetts. It was known as the Middlesex Gore until 1794, when it was annexed to the towns of Dudley and Sturbridge.

It is an interesting point ethically whether or not Connecticut should have taken these towns after Massachusetts had paid her for them in 1713. At first glance it would seem that Connecticut should have returned the money she had received for the sale of equivalent land before taking back the towns. Another way of looking at it is that this sum of money represented rent paid by Massachusetts for the use of these towns over a period of years, the towns always legally being part of Connecticut. Connecticut's attitude seems a little specious as Massachusetts certainly had no thought of such implication when this payment was made. While the ethics of Connecticut may be questioned as to the money involved, there can be no question but that the towns were legally within the bounds of Connecticut's charter, that the inhabitants of the towns wished to be governed by Connecticut rather than by Massachusetts, and that when given a chance to show their preference they voiced it most decisively in favor of Connecticut.

We now come to that dent in the northern boundary which shows on all modern maps of Connecticut. The town of Southwick in Massachusetts had been settled before any agreement had been reached between Connecticut and Massachusetts for the boundary. Now that the boundary had been defined, it was found that the south-



This shows the compromise of 1804 between Massachusetts and Connecticut. Massachusetts claimed A and B which were south of the then State line as part of the town of Southwick. Connecticut also claimed A and B as part of the towns of Suffield and Granby. In the compromise Connecticut received B and Massachusetts A. This agreement is still in effect and accounts for the indentation in the Connecticut-Massachusetts boundary line.

ern part of Southwick extended into the townships of Granby and Suffield. In 1774 Connecticut attached this land and ten years later appointed a committee to establish the boundary between Southwick and Granby and Suffield. Nothing came of this attempt until 1793, when both states appointed commissioners to run the boundary line from Southwick west to the New York line.

Four years later, joint commissioners also examined the line east of the Connecticut River. The report approved the line with two exceptions; there was an irregularity at the corners of Woodstock and Union, and commissioners believed that a tract two and a half miles square at Southwick should be given Massachusetts in compensation for the towns of Woodstock, Enfield, Suffield, and Somers, which Connecticut still held under Massachusetts protest. Connecticut refused to capitulate in 1801, but in 1804 a compromise was reached, and the slice of Southwick under dispute was divided at the pond in Southwick, all territory east of the pond to be given Connecticut, all west, given Massachusetts. In this division Massachusetts got about five-eighths and Connecticut three-eighths of the two and a half square miles under dispute. The amount of land involved was very small, but as this indentation has remained until the present day and shows clearly on every state map, there remains more than a matter of local interest as to its origin.

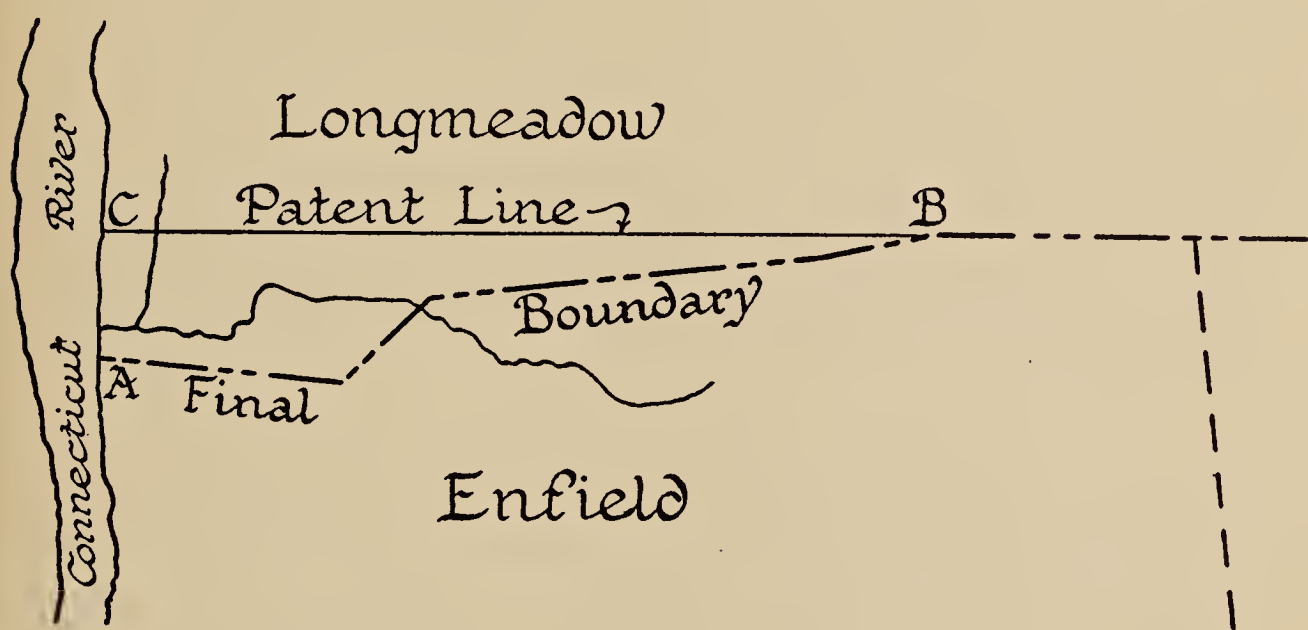
There is another jog in the northern border of Connecticut which has never been corrected. The line begins at the Connecticut River and runs irregularly north and east forming the northern boundary of the town of Enfield as well as the inter-state boundary line. The reason that this was not corrected can be found in the local history of Enfield.

Prior to Enfield's becoming part of Connecticut, its boundary with the Massachusetts town of Longmeadow was in part the Longmeadow River. The mouth of this river fell below the true line of the Massachusetts patent. After Enfield became part of Connecticut no attempt was made to change the northern town boundary. The commissioners, who examined the line in 1797 and issued a

joint report as to how it should be run, stated as far as Enfield was concerned:

In Enfield there has been some uncertainty but no very serious difficulties have arisen. On Connecticut River the town of Springfield now Longmeadow extended below the line, and though it is very crooked yet the practical jurisdiction is so well known, and settled as to admit of no dispute.

In 1826 when the final settlement was made, the line was commenced forty rods south of the Longmeadow River, for the commissioners believed that the Long-

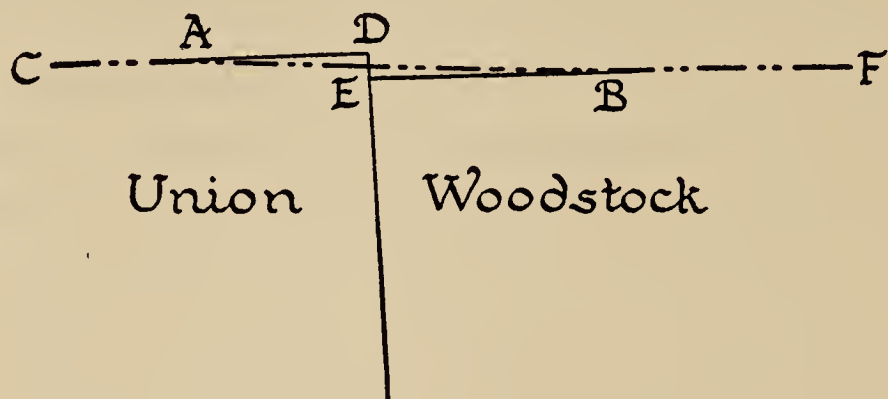


The line A-B had been the boundary between Enfield and Longmeadow while Enfield was a part of Massachusetts. No attempt was made to straighten it or to bring it up to the true Patent Line C-B by either Enfield or Connecticut.

meadow River had shifted its course to that extent since the town of Enfield had been laid out and that the former, rather than the present mouth of that river should be considered the true boundary. It seems strange that Connecticut should not have protested Longmeadow's extending below the true patent line, but apparently she did not. It may be that Connecticut felt that, as Enfield was satisfied with her irregular northern boundary, and as Massachusetts was willing to concede Connecticut's

possession of Enfield, Somers, Woodstock, and Suffield, it would be foolish to antagonize the town of Longmeadow and so possibly fail to reach an agreement with Massachusetts.

The only remaining point to settle was the gore at



This shows the elimination of the irregularity of the boundary line between Massachusetts and Connecticut at the junction of Union and Woodstock. The line at first ran C-D-E-F. This was corrected to the line A-B which took a small strip of land from Union and added an equal amount to Woodstock.

Union. As the northeast corner of Union had extended into Massachusetts 120 rods and the northwest corner of Woodstock was 48 rods too far south, a jog had been left in the colony line between Woodstock and the corner of Union. This was corrected in 1826, which year marked the end of the long controversy between Massachusetts and Connecticut.

The last boundary to be discussed in this paper is that between Connecticut and New York. An agreement had been made between the Dutch and Connecticut in 1650, but this had never been ratified by either home government. The Dutch soon disappeared from the scene, due to the conquest of New Amsterdam by the English in 1664. Charles II granted a patent to his brother James, Duke of York, March 12, 1664. The boundaries of this land included "all that island or islands commonly called

by the general name or names of Matawax or Long Island . . . and all the land from the west side of Connecticut River to the East side of Delaware Bay." A large part of this land had been granted to the Governor and Company of Connecticut by royal charter and even the Dutch in New Amsterdam had recognized that the rights of Connecticut extended to within ten miles of the Hudson River and to the eastern half of Long Island. Now, however, under the Duke of York's patent, Connecticut was to be left only the land east of the Connecticut River, and none of Long Island.

A word should be said about Long Island before we discuss the problem on the mainland. A patent for Long Island, had been granted the Earl of Stirling by the Council for New England. To be valid it should have been confirmed by the king in the form of a royal charter, but this was never done. However, Stirling acted under it as if he had received the king's approval and made grants in Long Island. In 1641, after Stirling's death, his agent, James Forrett, mortgaged the greater part of the island to George Fenwick of Saybrook, John Haynes, George Wyllys, and Edward Hopkins of Connecticut, Theophilus Eaton, Stephen Goodyear, and Thomas Gregson of New Haven, who were acting as representatives of their colonies, for £110. The mortgage was never paid and the land was considered as belonging to the three colonies involved. The union of Saybrook and Connecticut brought the greater part of eastern Long Island under Connecticut, who upheld this claim until 1662 when she was granted the entire island by her charter. Unfortunately for Connecticut the Duke of York bought the Earl of Stirling's patent from his heirs, and with the additional patent received, as mentioned above, from Charles II, laid claim to the entire island.

In the other disputes over the boundary lines, the issue at stake was not of great importance to Connecticut. Regardless of whether or not she absorbed most of Rhode Island, Connecticut herself could continue as a self-sufficient community. That is also true in the case of the Massachusetts dispute. The loss or gain of those towns was not of vital importance to Connecticut. But in the case of New York, the problem was much more serious. Connecticut, without any land west of the Connecticut River, and without Long Island, would have been in almost as unfortunate a position as Rhode Island would have been without the Narragansett country.

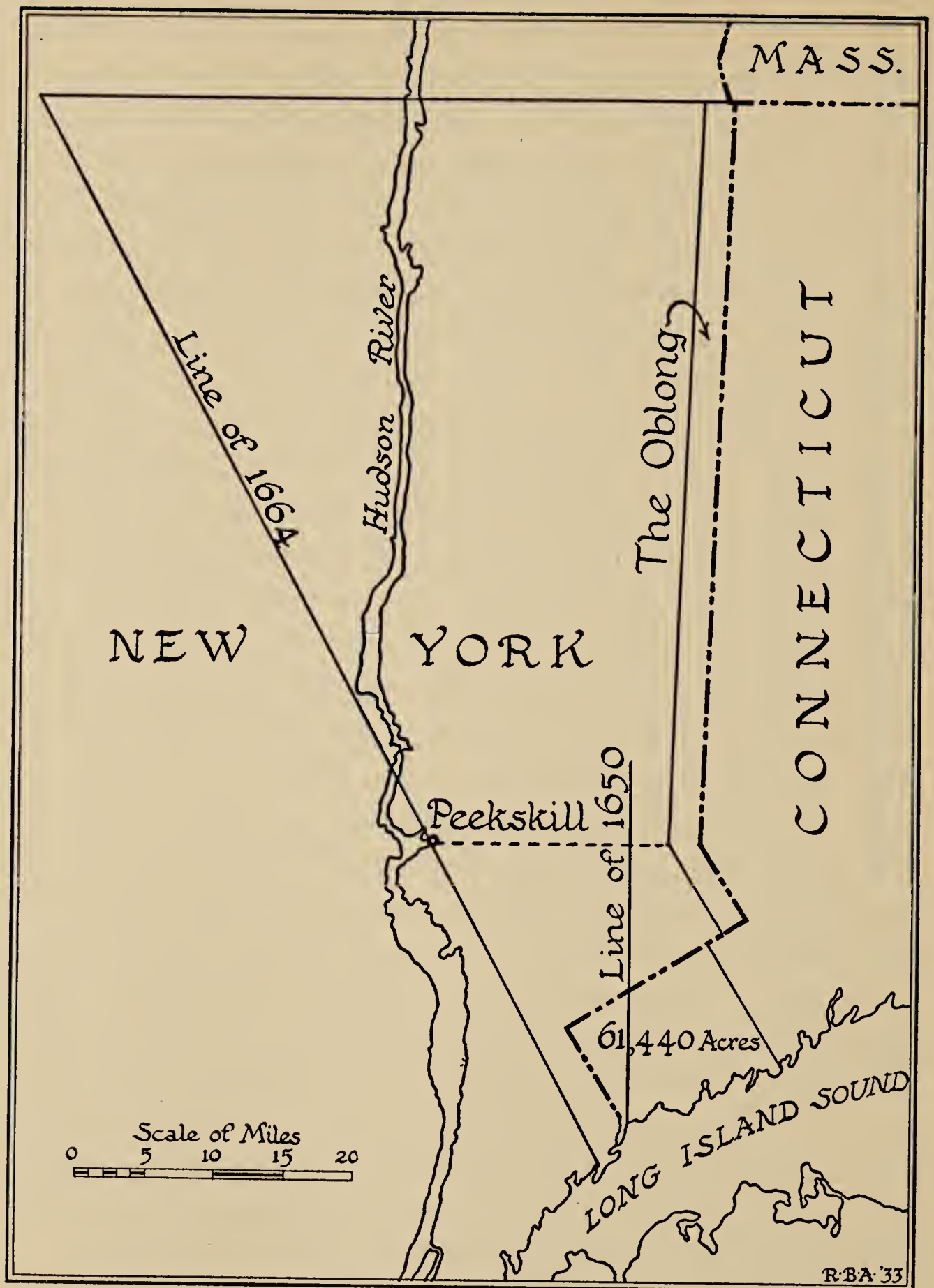
The men of Connecticut, realizing this, at once tried to make some agreement with the new New York government. Commissioners were sent to New York to congratulate the new government there on their conquest of the Dutch, and to uphold Connecticut's claims to her charter limits. An agreement was soon concluded. Long Island was granted to New York and the river Mamaroneck was designated as the beginning of the boundary line on the mainland. The point on the river where the fresh water falls into the salt at high tide was taken as the starting point. From there the line was to run north-northwest to the Massachusetts line. This line was much more favorable to Connecticut than her agreement with the Dutch in 1650, as it passed through Peekskill, and crossed the Hudson River a few miles higher up. It touched the projected Massachusetts line near the northwest corner of what is now Ulster County in New York state.

Unfortunately for Connecticut this agreement never received royal confirmation and New York refused to live up to it. In 1674 a new patent was granted the Duke of York which confirmed his grant of boundaries to the Connecticut River. A copy of the patent was sent to

Connecticut and she was ordered to submit herself to it. Connecticut promptly asserted that by the agreement of 1664 the boundary line had been already settled between the two colonies and that she would hold to this agreement. In reply to this argument of Connecticut's the governor of New York declared that the agreement of 1664 had not been ratified by the crown and so was of no value and even had it been, this new patent of 1674 would supersede it. Connecticut's refusal to submit was considered rebellion.

No decision was reached until May 11, 1682, when an agreement was made between New York and Connecticut. Connecticut was forced to give up the line of 1664 under a threat from New York of claiming all the land to the Connecticut River. It is doubtful if New York ever hoped or expected to make good her claim as far as the Connecticut River, and she employed this clause of her patent principally as a club to gain other concessions. The agreement put the line between the two colonies at twenty miles from, and parallel to, the Hudson River, but as the line approached the Sound, a rectangle of land consisting of 61,440 acres was granted Connecticut in consideration of the fact that this land had already been settled by towns under Connecticut's authority. The Byram River between the towns of Rye and Greenwich was taken as the westernmost point of Connecticut. The line ran upstream to the wading place, then north-north-west eight English miles, eastward twelve miles parallel to the Sound, and then to the line twenty miles from, and parallel to, the Hudson River.

In order to compensate New York for the area of 61,440 acres of land, which was closer to the Hudson River than the twenty mile limit, Connecticut was required to cede a strip of land along all of her western



This shows the various attempts to settle the western boundary of Connecticut.

boundary from North Wilton to the Massachusetts line. This strip of land was about one and three-quarter miles wide and was known as the Oblong or Equivalent Tract. By the agreement regarding the Byram River, Connecticut lost the town of Rye which had been settled by the English, but which had been governed by the Dutch under the 1650 agreement. Connecticut had claimed the town under her charter and it had formally become a Connecticut plantation in 1665. Until 1683 Rye had remained as part of Connecticut and the inhabitants of the town were very displeased at being transferred to New York's jurisdiction. It is interesting to note the almost universal popularity which Connecticut enjoyed among the small border towns throughout the period of boundary adjustments. In almost every case, when the question of Connecticut jurisdiction was brought before the inhabitants of the territory involved they, or at least a majority of them, preferred Connecticut's jurisdiction to that of any other colony. The reasons for this seem clear: Connecticut had low taxes and great freedom of local self-government under its charter. Only in the case of Rhode Island do we find a government equally liberal and free from English control, and in the case of Rhode Island many of the Puritans felt the inhabitants there were too liberal. Even New Haven in 1664, as soon as the threat of annexation to New York was made, accepted union with Connecticut as preferable.

The people of Rye during fourteen years fought to the best of their ability their transference to New York and in 1697 revolted, joined Connecticut, and remained under her protection until the agreement of 1683 was confirmed by the king, March 28, 1700, when much against their wishes they submitted themselves to New York.

The same story can be told of the town of Bedford. It

belonged to Connecticut but had been transferred to New York by the agreement of 1683. In 1688, royal confirmation of the agreement not having been given, Bedford voted to take out a patent under Connecticut. This patent was granted in 1697 and Connecticut agreed to protect Bedford as well as Rye, with fifty armed men, from New York aggression. The confirmation of the 1683 agreement by the crown in 1700 affected Bedford as well as Rye, and Connecticut was forced to relinquish the towns. There seems to be no logical reason why these towns should have been taken from Connecticut. If New York could claim them under the Duke of York's patent, Connecticut could claim them with just as much justification under her charter which had been granted prior to the Duke of York's patent. Although Connecticut appears to have suffered an injustice in the loss of these towns as well as in the loss of Long Island, at least she had reason to be satisfied that all her territory to the Connecticut River had not been taken from her. In any compromise, each party in the dispute must give up part of its claims and Connecticut may be considered fortunate in not losing more of her territory than she did. One may even fear that, as in her attacks on the lands claimed by Rhode Island, if she had been in New York's position she would have demanded more from a smaller and weaker opponent.

Even after the agreement of 1683 had received royal confirmation, New York refused to join Connecticut in surveying the line between the two colonies. In 1713 Connecticut appealed to the king to force New York to join her in running the line. New York continued to delay, but, finally, in 1725 at Greenwich, articles of agreement were concluded which were substantially the same as those of 1683. Before the line could be finished, dis-

putes arose between the two colonies which postponed the final settlement until 1731 when the survey was completed. In the same year the Oblong was formally ceded to New York.

This giving over of Connecticut territory to New York brought up a legal point. Was the land given over to the king directly, and so subject to a new grant on his part, or was the land given to the province of New York with the understanding that the old owners of the land should retain their property rights.

Men in England were quick to recognize that in the uncertainty involving this transfer of land there was an opportunity for profit for themselves. The very day the land was formally transferred a patent was granted for the territory by the crown to a group of Englishmen who acted as dummies for the Duke of Chandos. This grant is of interest in that it was granted directly by the crown—a most unusual proceeding, as land was normally granted indirectly by the crown through a provincial governor and his council. There is only one other example in New York colonial history of a direct grant of land by the crown, that being to Sir William Johnson at a later date. In the same month, Governor Montgomerie of New York granted 50,000 acres of this same land to Thomas Hawley and his associates. Hawley and his group were the old owners of the land, having held it under a patent from Connecticut.

A lawsuit to decide the rival claims ensued and dragged on for several years. Hawley and his group determined to prolong the proceedings and thus make them so costly that Chandos and his group would be forced to yield. Their policy proved successful, for in 1738 Chandos announced that he thought it high time to put an end to the contest, either through selling his patent to the New York grantees or by “flinging it up.” So the land re-

mained in the possession of the former owners, under New York patent, although with more skillful council, Chandos might have made good his claim.

Even after the line of 1731 was run, a few minor matters created friction between New York and Connecticut. In 1855 it was thought that the old line should be re-surveyed as the old boundary marks had been removed or destroyed, so that people, living near the line, were evading taxes in either state. The question arose as to whether an attempt should be made to re-discover the old boundary marks and so run the line from one to another—or whether taking the southeastern corner of the New York state town of North Salem as the starting point the line should be run due north, thus ignoring all former monuments. The straight line was run but was found to differ from the old boundary. Errors in the survey of 1731 are accountable for this disparity, the deviations of the compass not having been corrected when that line was run. Connecticut through this change would have gained approximately 2,600 acres, several hundred inhabitants, and a small village called Hitchcock's Corners. A dispute arose which continued until 1880, when a final agreement was made with New York. The old line of 1731 was granted New York and in return, Connecticut was permitted to extend her southern boundary into Long Island Sound. The wording of Connecticut's southern boundary as made by this agreement follows:

. . . beginning at a point in the centre of the Channel, about 600 feet south of the extreme locks of Byrams Point, running in a true south east course 3 and $\frac{1}{4}$ statute miles thence in a straight line northeasterly to a point four statute miles true south of New London light-house;

thence through Fishers Island Sound and on "so far as

said States are continuous." This agreement was ratified by both states and Congress in 1881.

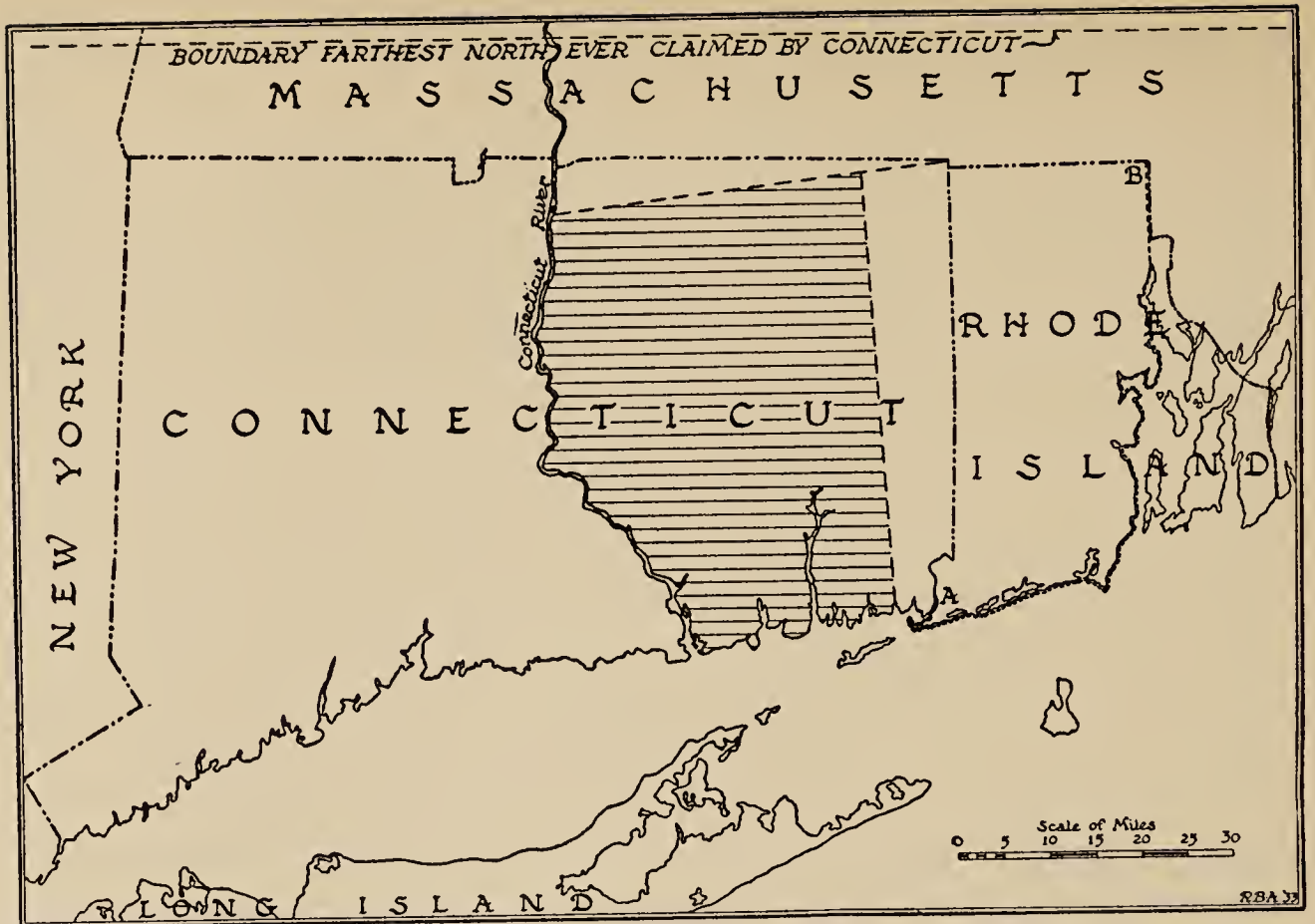
The story of Connecticut's boundary disputes is finished. We have traced its course from the earliest colonial days. We have seen the conflict between Rhode Island and Connecticut incited by their charters, the struggle with Massachusetts for the border towns, and the prolonged strife between New York and Connecticut because of their respective patents. Throughout the long and bitter struggles, Connecticut, although not always the stronger in material resources, made felt what strength she had, and insofar as the diplomatic side of the disputes was concerned, proved herself equal to all emergencies.

Let us consider how large Connecticut would have been had all her claims been recognized, or how small, if the other colonies had in each dispute, triumphed over her.

If she had been entirely victorious her eastern boundary would have been Narragansett Bay. Her southern boundary, Long Island, her northern boundary just about what it is now but extended all the way across the United States, and her western boundary the Pacific Ocean.

Had she been defeated in each struggle her eastern boundary would have been the Mystic River, Massachusetts being her eastern neighbor. Her southern boundary Long Island Sound, her western boundary the Connecticut River, her northern boundary a line from Windsor to where the Massachusetts line would have cut through the town to join the headwaters of the Mystic River. Even this small amount of land would have been greatly limited if two claims (which have not been discussed in this paper, being more territorial than boundary claims) had been established. These claims were those of the Duke of Hamilton and the Mohegan Indians.

The possibility of a greater or lesser Connecticut, had



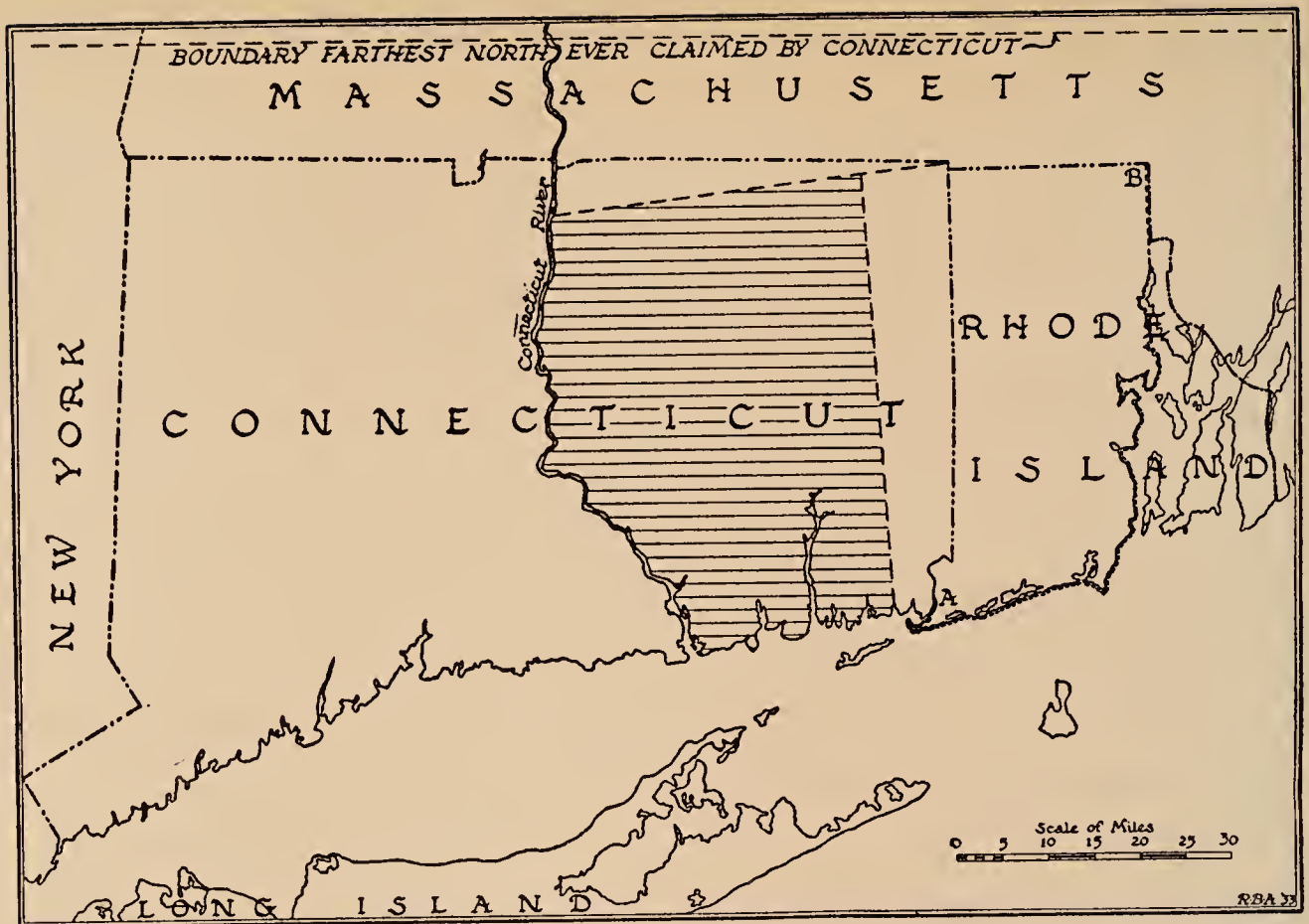
A-B shows extent of Connecticut's claim against Rhode Island.
 Unshaded area south of northern boundary line (excluding Massachusetts and Rhode Island) shows width of Connecticut's claim which extended west as far as the Pacific.
 Shaded area shows Connecticut's size had all claims been decided against her.

the claims been adjusted differently, gives rise to much historical speculation, and one is forced to recognize how successfully Connecticut utilized her limited powers and resources in opposing the strength of those whose claims endangered her.

4

1847

1847



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Unshaded area south of northern boundary line (excluding Massachusetts and Rhode Island) shows width of Connecticut's claim which extended west as far as the Pacific.

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A: Mount
C: Passage
D: Quenquahuck
River

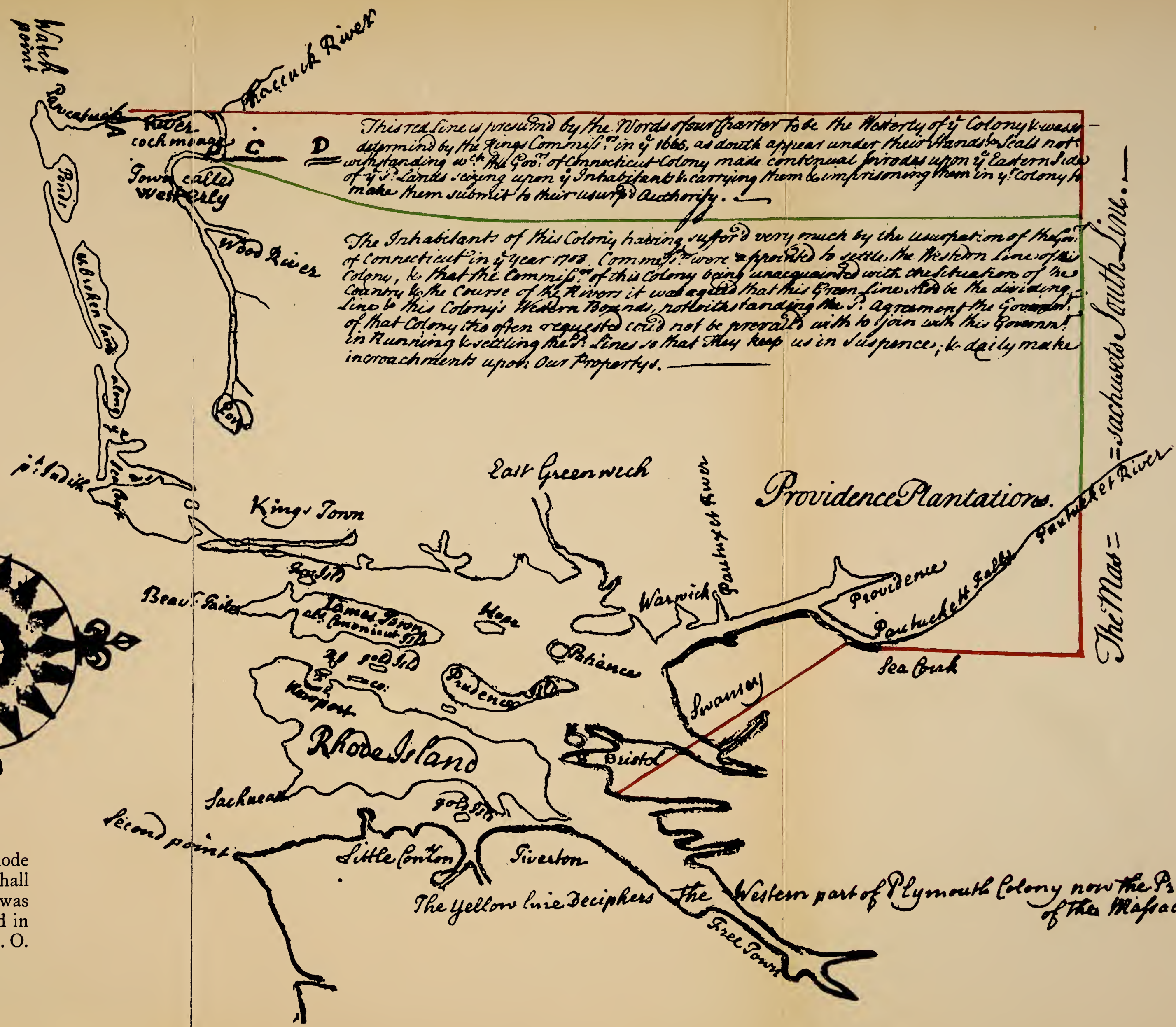
1 2 4 6 8
a scale of English miles

Block Island
alias
New Shoreham

RI = Rose Island
F = Fort Island
co = Coasters
H = Hogg Island



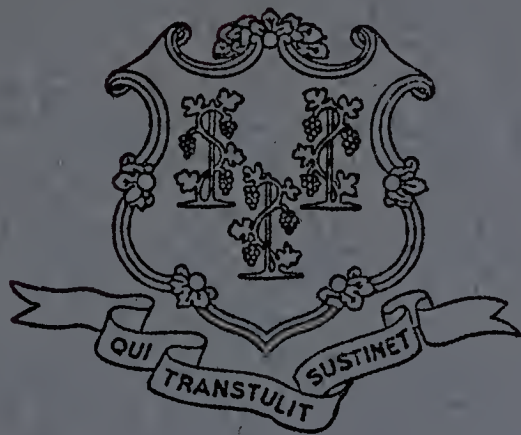
A map presented by the agents of the Rhode Island colony to the Privy Council at Whitehall showing their claims against Connecticut. It was presented in 1721. The original can be found in the British Public Record Office, London, C. O. 5, 1293.



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*Early Domestic Architecture of
Connecticut*

J. FREDERICK KELLY A.I.A.

THE colonists who came to Connecticut were faced by two immediate and vital needs; first, that of securing an adequate food supply; and, second, that of providing shelter. Of the two, the latter probably presented the more difficult problem, for it is not unlikely that the first settlers brought with them a limited amount of foodstuffs. These men found in Connecticut an abundance of fish and game, and those who settled along the shores of Long Island Sound soon learned that its waters furnished an unfailing supply of shellfish as well. To protect themselves and their families from the elements with adequate shelter was, therefore, the colonists' most pressing problem.

The men who came from Massachusetts by water, with the intention of making a settlement at Matianuck—where the town of Windsor now stands—knew of the existence of a fortified Dutch trading post at Hartford. Anticipating the hostility of the Dutch, they brought with them the prepared timbers of a house and its outside covering, in order to establish themselves as quickly as possible. Concerning this, Bradford¹ says:

¹ Bradford, *History of Plimmoth Plantation* (Ford ed.) II, 167-168.

“They having made a small frame of a house ready, and having a great new barke, they stowed their frame in her hold, and bords to cover and finishe it, having nayles and all other provisions fitting for their use. . . . Coming to their place, they clapt up their house quickly, and landed their provisions, and left the companie appoynted, and sent the barke home, and afterwards palisadoed their house aboute, and fortified themselves better.” The “barke” was brought to anchor just below the mouth of the Farmington River, where a landing was made on September 26, 1633. At that place the house was quickly “clapt up.”

While there is a mere thread of tradition to the effect that some of the settlers of Hartford, and nearby towns likewise, brought the prepared materials for their houses with them by water from Massachusetts, there is no evidence to support it. It seems more reasonable to believe that these people turned to the abundant forests of Connecticut for materials with which to construct their first dwellings.

It is not improbable that at first, before the advent of the framed house, log cabins were commonly built, though perhaps for nothing more than temporary use. Cutting timber for such use served the double purpose of clearing the land for crop planting, and providing a supply of building material as well. Atwater, in his *History of the Colony of New Haven*, states that the first settlers built such cabins, and that in some instances, if not in most, they were roofed, after the English fashion, with thatch.

We know that the eight men left behind by Eaton, after his first visit to New Haven in the fall of 1637, constructed the most primitive sort of shelters in which to spend the first winter. These shelters were little more than cellars, built into the sides of steep banks, and roofed with sod or thatch.

This period of log cabins and crude shelters was but a brief one, for no doubt the colonists at once began the construction of permanent dwellings. It is known that the Henry Whitfield house in Guilford, built of stone, was erected in 1639, and that, according to old records, George Fenwick had a "faire house" at Saybrook as early as 1641, which house was "well fortified."

The first structures which may be truly called *houses* were, with the exception of the Whitfield house, invariably of frame construction. A little thought makes the reason for this fact apparent. To begin with, most of the colonists who settled in Connecticut were of English birth. The majority of them were natives of regions of the mother country in which oak timber was plentiful, and its use a fixed tradition. For example, the Guilford men came from Surrey and Kent, and the Milford men from Essex and York—all parts of England where the traditional use of oak for building construction was well understood. It was but natural, therefore, that these first settlers, finding an abundance of virgin oak in the Connecticut forests, should have at once brought into play their native building traditions, and chosen to use the one material with the working of which they were already familiar, and the physical properties of which they fully understood. Furthermore, the axes of the colonists in clearing land had laid at their feet quantities of fine timber, so that in a way, the first step toward timber construction was automatically taken. Those who know the rocky hillsides of Connecticut may argue that this very process of clearing the land also involved the handling of immense quantities of loose stone—as the miles of stone walls which interlace the countryside today attest—and ask why the Whitfield house in Guilford is the only early stone house in the state. The answer lies in the fact that

timber construction compared with masonry construction, is far more rapid, and that the need of houses was of such urgency that the settlers chose the material which involved the least labor and produced the quickest results. Probably the lack of lime for mortar was another reason for the failure to use stone.

As we have noted, then, but a short period elapsed after the arrival of the colonists in Connecticut before they undertook the construction of framed oak houses. Judging from available evidence today, it is probable that these first houses were of one-room plan, a story and a half or two stories in height, with the chimney stack at one end. It is quite apparent, however, that houses of this type were poorly suited to the domestic requirements of any except the smallest of families, so that additional space was very soon required. This was easily obtained by adding another corresponding room, or unit of construction, on the opposite side of the chimney, which thus became enclosed. The house of two-room plan soon became established as a type, and marks the second stage in the development of the Connecticut house plan. From this point onward, it is of interest to note that the chimney stack became the pivotal point about which the plan revolved in its development.

The next step, made necessary by the constantly increasing demands for more room, consisted in adding a "lean-to" across the rear of the house. This addition provided three additional rooms on the first floor, plus a large attic on the second.

By this time, a second generation was beginning to take the place of the first settlers. Cultivated fields had appeared where the virgin forest once stood, hostile Indians were no longer a menace, and times were rapidly becoming prosperous. Families had increased in size as well

as in wealth, and men now found themselves able to turn more attention and devote more means to the construction of their dwellings. Up to this time, the physical home had been essentially for the purpose of shelter and security. The houses built had been reduced to the simplest terms, and were practically devoid of any ornamental treatment. In fact, there was no feature which was not essential, nor which did not serve a definitely useful purpose.

The lean-to house, which now became fixed as a type, underwent a structural change, which, however, did not affect its appearance. The lean-to, which at first was added, now became an integral part of the house, due to the fact that the additional space thus gained had become a definite necessity, brought about in turn by changes in the mode of living. The integral lean-to type may be regarded, then, as marking the fourth step in the house plan development.

The next change that took place materially altered the exterior house appearance. This was accomplished by building the house of two full stories throughout, although the first floor plan remained that of the lean-to house. This change caused the disappearance of the long lean-to roof, with its fine sweeping lines, but the advantages of improved interior arrangement so derived were great. The nearly useless atticlike space of the lean-to on the second floor was now replaced by three additional rooms of full head-room across the rear of the house. This step—the fifth—marks the final development of the central-chimney type of plan.

As we have seen, the chimney stack has been the dominating feature of the plan up to this point, governing the general arrangement from its central position. But there now began a change of great significance; namely, the

introduction of a central hallway, extending straight through the house from front to rear, with an outside door at either end, and the resultant division of the chimney into two parts. Hitherto, utility and economy of arrangement had been the governing factors which controlled the house plan. Now, compactness of plan and general intimacy of scheme gave way to a more open, balanced, and formal arrangement, which constitutes the sixth and final stage in the development of the Connecticut house plan. Formerly communication had been directly from room to room; but with the new scheme, this was no longer necessary, due to the introduction of hallways.

In tracing the history of plan development, definite dates cannot be established for the changes that took place. The changes produced were gradual ones, and there was an inevitable overlapping of periods. But in order to establish some general divisions of time, it may be said that the central-chimney plan of two rooms held sway up to about the last quarter of the seventeenth century. During this period the added lean-to appeared. From thence onward to approximately 1700 the principal changes were the disappearance of the framed overhang and the altered character of the lean-to, which was incorporated into the construction and became an integral part of the house fabric. The next period—from 1700 on to about the middle of the eighteenth century—saw the lean-to raised, and the house made of two full stories throughout. The final development of the house plan—the central-hall arrangement—did not appear until about 1750, between which time and the Revolutionary period it became a fixed type.

The central-hall plan remained in favor throughout the Revolutionary period, up to the Greek Revival era which was ushered in about 1830. It is of interest to observe that

until that time, it had been the custom almost without exception to build the house with its main roof ridge parallel to the street or road. The Greek Revival house, more often than not was built with its gable end fronting upon the street, so that what had been the side now became the front. Obviously, this change necessitated a new interior arrangement, and, in consequence, a new type of plan.

While the great majority of Connecticut houses conform with one or another of the types of plan that have been outlined, there were as well occasional houses of irregular plan, which cannot be placed under any fixed classification. For example, there existed some frame houses with masonry ends constructed entirely of brick or stone, into which the fireplaces were built. Also, there were occasional houses of central-hall plan, built entirely of brick, with the fireplaces built into the end walls.

The development of the Connecticut house plan which has been traced from its beginning to its ultimate expression in the central-hall type, is a matter of the utmost significance and interest, for it forms a graphic record of the social and economic conditions of the times.

Of scarcely less interest than the house plan, is its framework. Practically without exception the frame of the early Connecticut house was of hewn oak, and fastened together with mortise and tenon joints, which were secured with wooden pins. Surrounded by a wealth of timber, the choicest of which was to be had for the cutting, the early builders felt no incentive to skimp material. They used it with a lavish hand, and the ponderous timbers they hewed out for their house frames had a strength that was far in excess of practical requirements. This is particularly true of houses of the two-room and lean-to types of plan, the framing of which is often tremendously heavy; so massive, in fact, that it is almost

medieval in character. In erecting house frames of such enormous strength the colonists were no doubt influenced by a desire to obtain the sense of security and steadfastness that such staunchness of construction gave. It must be remembered that at first the conditions of life were unsettled and insecure; in fact, there were some actual perils to be faced. In those days, each man's home was literally his castle; it was the only refuge he had in a practically unbroken wilderness. Picture the colonist, his day's work done, seated by the evening fireside with his family. Behind shuttered windows and oak-barred door his sense of security was complete, for the great timbers of his home were a silent assurance to him that behind this bulwark of oak, he and his had nought to fear from prowling Indians, the ravenous wolf pack, or the howling tempest.

An examination of the framework of the earliest Connecticut houses now standing shows that quite without exception, hewing was the method by which the larger timbers were shaped. While the sawmill was in early use for cutting boards and planks, power sawing did not supplant hewing for the preparation of large structural timbers until the latter part of the eighteenth or the beginning of the nineteenth century. Pit sawing appeared early, and continued for many years. This was a two-man operation, requiring a "pitman," who stood in the pit beneath the timber to be sawn, to guide one end of the "whipsaw," and a "sawyer" who managed the other end, and stood above the timber. A General Court held at New Haven, June 11, 1640, established a scale of charges for both hewing and sawing, as follows: "Price for hewing sills, beames, plates or such like timber, square hewen to build with, not above a penny a foote running measure. Sawing by the hundred not above 4s. 6d. for boards. 5s. for plancks. 5s. 6d. for slitworke and to be payd for no

more than they cutt full and true measure. If by the dayes worke, the top man or he that guides the worke and phaps findes the tooles, not above 2s. 6d. a day in som^r, and the pitt mā, and he whose skill and charge is lesse, not above 2s, and a proportionable in winter as before. If they be equall in skill and charge, then to agree or divide the 4s. 6d. betwixt them." The planks above referred to were two inches thick, boards one or one and one-fourth inches thick, and "slitwork" one-half inch thick.

The first power sawing was done with an "up-and-down" saw, an instrument with a long narrow blade, which worked vertically. The circular saw was a later invention.

The first sawmill within the present political limits of Connecticut was probably that owned by William Goodwin, which must have been in operation for some time before we hear of it, since the General Court on October 3, 1654, gave him permission to use timber from waste land to keep the sawmill at work.

But while hewing was the general method for shaping the larger timbers, it is obvious that small ones, such as studs and joists, could not very readily have been hewn out, due to the difficulty of holding them securely during the process. This is why, even in the earliest houses, we find them to be quite generally sawn out.

Today, hewing is almost a lost art. This is to be regretted, for the early craftsmen used the broad-ax with an admirable degree of skill. They made no false strokes, for they handled their tools with deftness and precision.

The construction of the house frame was a simple and straightforward affair. Upon the masonry walls of the underpinning were laid the heavy timbers called the sills, and into them were framed the vertical posts and studs of the exterior walls. In old records we sometimes find the

sill referred to as the "cill" or "groundsell". In some of the earliest houses, the first floor joists were built into the walls of the underpinning, and the sills laid on top of them. In the *History of New Haven Colony*, Lambert states that "The ground floor was laid below the sills, which projected into the rooms eight or nine inches." However, but few early houses displaying this arrangement exist today.

In houses of this first period—those of the two-room plan—there were eight posts: one at each corner, one at each side of the entry on the front, and one on each side of the chimney on the rear. The addition of the lean-to made necessary four more posts, corresponding in position to those in the back wall, so that the total number became twelve. When houses on the lean-to plan, but two full stories in height, became popular, the full number of twelve posts was generally retained.

The posts were invariably tenoned into the sills, and sometimes pinned in addition. Unless there was a framed overhang at the second floor level, the posts were of one piece from sill to plate, or through the height of two stories. Posts of the earlier houses all display a splay or "flare," that is, an increase in *one* transverse dimension from floor to ceiling. Sometimes posts of shouldered form were used, but they were never common. As time went on, this flare became less, and finally disappeared with the advent of the central-hall plan. In size the posts were generally eight by ten or ten by twelve inches, although sometimes they were of still greater size.

The girts were a continuous set of heavy horizontal timbers, which were mortised into the posts at the second floor level. Of corresponding position with the sills, the girts provided a support for the second floor joists, just as the sills carried the joists of the first floor. In addition

to the girts in the outside walls, two similar timbers, called chimney girts, were framed across the house from front to rear, one on either side of the central chimney. The outside girts are known as the front, end, and rear girts, according to the position they occupy.

From the middle of the end girt to the middle of the chimney girt extended a great beam known as the summer, generally the heaviest of the whole framework. It is probable that its name comes from the Latin *sagmarius*—a pack horse—through the Norman French *sommier*. In Connecticut we often encounter the term “summer-tree,” in which the word tree is used in the sense of beam. The purpose of the summer was to provide an intermediate support for the second floor joists, which were framed into it on either side, from the front and rear girts respectively.

Almost invariably the summer was placed as above stated, so that it ran parallel with the front of the house. There were occasional exceptions to this; for example, we find summer beams in the Hempstead house at New London (1643) and the Graves house at Madison (1675) which were framed from front girt to rear girt, and hence ran parallel to the ends of the houses. In the Moore house at Windsor (1664) we find crossed summers, the only existing example of this arrangement in Connecticut.

The framing of the attic floor generally corresponded to that of the second floor, although there were occasional variations due to the requirements of special methods of roof framing. A second summer repeated that of the second floor, while second end and chimney girts were placed above those at the second floor level. The front and rear girts, however, now become the front and rear plates respectively, and form the supports for the rafter feet.

The fact that the word “plate” is of early usage is

proven by the following extract from the New Haven Court Record for January 19, 1659: "Mr. Tuttle desired that the takeing down the turret and towre might be forebourned, & that the shores might be renewed, & the *plates* lined where they were weake."

While the rear plate was generally framed in the conventional way—in line with the girt below it—considerable variation may be found in the placing of the front plate. Whatever the framing scheme adopted, the object was the same in every case, namely, to secure a sufficient projection of the outer face of the plate beyond the house line to serve as a foundation for the cornice construction. Varied and ingenious methods were put into play, perhaps the commonest of which was to frame a second plate out beyond the first plate, which was on the house line.

A corresponding variation is to be met with in the framing of the second end girts, particularly in early work, of which the projecting or overhanging gable was a feature.

Despite the immense strength and heaviness of their house frames, the early builders often considered the use of braces necessary. We find them commonly framed in diagonally between posts and first floor girts; though sometimes the order was reversed, and the braces ran from the posts up to the plates and end girts. But while the framing of early Connecticut houses displays a general uniformity of scheme, considerable variety may be found in the methods of roof framing. It is apparent that there were two principal methods in vogue for the roof construction. The first of these made use of "common" rafters, that is, rafters of uniform size, spaced an equal distance on centers; the second employed the purlin system, which consisted of four, six, or eight pairs of principal rafters, into which light horizontal purlins were framed.

Although some of the earliest house roofs display the common rafter system, it is probable that the purlin system is the earlier scheme of the two, for it is strongly marked by the finger of English tradition. Doubtlessly it originated in thatchery, which required a horizontal system of light purlins or thatch-poles over the rafters, to which the straw thatch was tied by means of ropes or birch withes.

There can be no doubt concerning the early use of thatch on Connecticut houses, or that it gave way to other materials only when it was found unsuited to the severe storms and weather conditions of our climate. The fact that thatch was in early use is indicated by a court order which was issued in New Haven on June 11, 1640, establishing the wages of "A skillful thatcher, working diligently."

The roofs of the earliest houses were much steeper than those of later date. Mr. Ralph D. Smith, in information furnished Mr. Palfrey for his history, states that the roof of the Whitfield house in Guilford (1639) was originally sixty degrees. As time went on, the roof pitch grew flatter, and finally became stabilized in the neighborhood of forty-five degrees, or a twelve inch pitch, though naturally there were variations from this in either direction.

Gambrel roofs occur frequently in Connecticut, but they are not early. It is doubtful if this form of roof construction came into use much before the middle of the eighteenth century. The origin of the gambrel is uncertain. Probably it came from England, where an occasional roof of this form is to be found in seventeenth-century work. Evidently it was the result of an attempt to obtain more head-room in the attic, without increasing the height of the roof.

Houses with hip roofs are not common, for this was

never a popular type of roof construction in Connecticut. No doubt this is due to the fact that the attics of hip-roofed houses had neither light nor air, unless admitted through dormer windows.

To return to the first floor, we find that its joists were generally framed into the sills in such a way that the tops of joists and sills finished flush. These joists in most cases were rough logs from six to ten inches in diameter, with the upper surfaces hewn away to provide a flat bearing for the floor boards. Since these joists were exposed only in the cellar, the bark was usually left on them.

In the earliest houses, before the advent of plastering, the joists of the second and attic floors were left exposed. Such joists, appearing against the ceilings, or under sides of the floors above them, were always of comparatively small size. In measurement they average about two and three-fourths by three and one-half inches. As before noted, these joists were sawn or split out, due to the difficulty of hewing such small timbers. When left exposed, they were planed, and the lower edges generally worked with a three-quarter bead. Where joists of this sort are found today, supporting plastered ceilings, we may safely assume that the plaster, however early, is a later introduction. Were it not, the original builders never would have taken pains to plane and bead their joists.

The exposed edges of other structural members—posts, summers, and girts—were chamfered with a plain bevel, or sometimes with a filleted quarter-round. Such chamfers always terminated a short distance from the ends of the beam in what is known as a stop. Very often these stops were quaintly ornamental in form. The Guilford school produced chamfering which is noteworthy for its boldness and beauty.

The studs, which were the intermediate framing mem-

bers of the exterior walls, were small timbers, and, like the joists, were sawn rather than hewn. The average cross section measures about two and one-half by three inches. They were but a single story in height, so that one set was tenoned at the bottom into the sill and at the top into a girt, and a second set framed in between girt and plate. A third set filled the attic gables.

The studs of the interior partitions were of corresponding size and arrangement, though very often one and one-fourth- or one and one-half-inch oak planks with unsquared edges were used instead.

Not infrequently we find so-called "plank-frame" houses, in the construction of which wide oak planks with squared edges, from one and one-fourth to two inches thick, were used in the exterior walls, instead of the customary studs. In such houses, these planks, which varied from twelve to fifteen inches in width, extended in one unbroken length from sill to plate. They were fastened in place by means of oak pins driven through them at every bearing. Sometimes these planks were spaced about two inches apart, and the spaces between them plugged with a mixture of clay and cut straw.

In some of the earlier houses we find the spaces between the studs in outside walls filled either with this same clay mixture, or sun-baked brick laid in clay mortar. Obviously, this is another survival of tradition, for the same practice existed in old England.

The overhang is, without doubt, the most striking feature of the seventeenth-century Connecticut house. In using this term, reference is made to the projection of the second story beyond the first, which usually occurred across the front of the house. The projection of the framed overhang was generally in the neighborhood of two feet, which it never exceeded, though in some instances it was

less. It is of interest to note that the framed overhang never occurred in towns lying outside of the Connecticut River valley, and that it never existed in the New Haven colony.

A characteristic feature of the overhang in its earliest form is the use of ornamental pendants or "drops" on its under side. Since these drops served as terminations to the lower ends of the front second story posts, there were four of them across the front of the house. Although of curved contour, drops were always four sided, or square in cross section, thus expressing the fact that they were an integral part of the posts above. These pendants gave quite a medieval air to the houses which they adorned. The fact is worthy of note, that with the single exception of chamfered girts, to be seen on the front and ends of the Hyland-Wildman house in Guilford (circa 1660), the use of drops is the only instance of decorative treatment of *structural* forms in connection with the Connecticut house exterior.

During the first stage of the framed overhang, the drops were sometimes supplemented by heavy brackets placed behind them. Such brackets served no structural purpose, and, like the brackets which were occasionally used beneath projecting gable ends, were purely ornamental in character. In the second stage, the use of drops continued, although the brackets behind them were discarded.

There is no uncertainty regarding the origin of the overhang. It is a familiar feature of the English Tudor half-timbered house, and without doubt it was brought to Connecticut by the English carpenters who emigrated to America. The erroneous assertion is often made that the overhang was designed by the early builders to enable them, when besieged in their homes, to shoot attacking Indians through loopholes in the second floor.

Very obliging Indians they must have been, to march up to the *front* of a house in order to be scalded or shot, when they might as easily have attacked the *rear*, where no form of framed overhang ever occurred! Furthermore, framed overhangs at the ends of the house were never common in Connecticut, and where such occur, the projection was not more than four or six inches.

Another form of overhang, known as the hewn type, is also to be found in Connecticut. This type was not produced by framing: instead, the posts were made of one unbroken length from sill to plate, and hewn away throughout the height of the first story. The projection so gained was never more than six inches, commonly it was but three or four. The hewn overhang extended across the front of the house and on each end; later it appeared on the rear as well. As time went on, this projection gradually dwindled to little more than an inch, and eventually, during the last quarter of the eighteenth century it disappeared altogether.

Both forms of overhang were features of the central-chimney type of house. The advent of the stately houses of central-hall type of plan marked the disappearance of the overhang. It is remarkable that the overhang, based upon a purely traditional beginning, endured as a form of construction with such tenacity, that, in one form or the other, it held sway over a period of nearly one hundred and fifty years.

The cellars of the earliest houses in Connecticut were shallow, and generally extended beneath only a part of the house. Foundation walls and the substructures of chimney stacks were of field stone, either laid up dry, or with clay as a substitute for mortar. This use of clay persisted until a very late date, in fact, it is not unusual to find the brick chimney stacks of late houses laid with clay

mortar up to the roof line, above which point the use of lime mortar was necessary.

Lime was available very early in New London and New Haven, but it was used principally for plastering. The court records of the latter town for November 3, 1639, contain the following: "It is ordered that Mr. Hopkins shall have two hogsheads of lime for his present use, and as much more as will finish his house as he now intends it." An examination of the mortar in early work, particularly in houses along the Sound, indicates that oyster shells were a common source of the lime used in it.

The underpinning of the earlier houses was of stone; brick was not used until the second quarter of the eighteenth century. Even in the earliest and crudest work, an attempt was generally made to dress roughly the underpinning stones, particularly those across the front and ends of the house. In most cases, these stones were carefully cut into regular form.

The massive chimney stack is characteristic of central-chimney houses; the amount of stone used in these tremendous piles of masonry is astounding. Chimney foundations ten and twelve feet square, and even larger, are not uncommon. Chimney stacks of the later houses were often constructed of stone up to the first floor level, and thence upward of brick. Some were of stone up to the roof line, and "topped out" with brick. Stacks of central-hall houses were often built of stone up to the attic floor level, above which they were of brick.

Probably the very earliest chimneys were of logs laid crosswise, or of woven wattles, and plastered on the inside with clay. Such chimneys were obviously fire hazards and required periodic inspection: hence the office of "chimney-viewer". The Hartford records of 1639 refer to these chimneys of clay.

The fireplaces of the earliest houses, particularly those in the living room and kitchen, were of generous proportions. Widths of eight and nine feet and even more are to be met with. Fireplaces of such enormous size were invariably built of stone, brick construction generally indicating work of later date. The other fireplaces of the first floor were smaller, and the dimensions of those on the second floor still less. The occurrence of old houses in which the fireplace openings have been reduced in size several times, is not uncommon.

In houses of central-chimney plan, we always find a fireplace in each of the front rooms of the first floor, but it is not uncommon to find one of the front chambers on the second floor without a fireplace. Where houses of this plan are of two full stories, a fireplace in the "kitchen chamber" is rather the exception than the rule. The cellar fireplace is quite uncommon, but it does occasionally occur.

Fireplace openings were customarily spanned with stone lintels, but when the width was too great, a squared oak timber was used instead. Some of these timber lintels were tremendously heavy; the largest of which I have a record measures seventeen and one-half inches deep by ten inches wide.

Flues were unlined, of course, and generally they all merged into a common flue in the upper part of the chimney stack. There are instances, however, where each flue was carried up separately to the chimney top.

On the first floor, hearths were set level with the floor itself. The same arrangement existed on the second floor in houses having plastered ceilings, for there was sufficient depth in the second floor construction to permit sinking the hearths into it. But where ceilings were unplastered, and the second floor joists exposed from below, it is obvious that the hearths of the second floor had to be

set *on top* of the floor construction. Raised hearths on the second floor, where the ceilings beneath are plastered, therefore indicate that such plastering is of later date, and not original.

The use of brick in chimney building began during the last quarter of the seventeenth century in Hartford and New Haven. In towns such as Guilford and Norwich, where stone was abundant, its use continued until a late date, and brick chimneys are uncommon.

Bricks were made early in Hartford and New Haven. The court records of the latter town for 1644 mention "bringing bricks from the brickills in the plains." It is doubtful if bricks were ever imported from England, as is sometimes claimed. The first bricks made in Connecticut were very large. Later, they were made very much smaller, and finally about the size of our bricks of today.

Early brick houses are not common in Connecticut, despite the fact that brick clay was plentiful, and there was an abundance of wood for burning it. Few brick houses now standing antedate 1750. Between that time and the Revolutionary period a small number of large, central-plan houses of brick appeared, at scattered points, and generally in the river valleys. Such houses were usually gambrel roofed, with four end chimneys appearing above the gable walls. There is also a late type of brick house, built after 1800, but these again were never common.

Plaster appeared in Hartford, Wethersfield, and Windsor during the last quarter of the seventeenth century. It is probable that its introduction was gradual, and that the richest houses were plastered first. New Haven, due to its superior wealth, was in advance of other settlements in the use of plaster. As early as 1641 a general court at New Haven established a schedule of prices, as follows: "Plastering, for drawing and carrying water,

scaffolding, lathing, laying and finishing the plastering, provideing, and paying his laborer, haeving the lime, clay, sand, hayre, hay with materialls for scaffolding layd neare the place. By the yeard for seeling 4-ob, for the side walls, being whole or in great paines 4^d, betwixt the studs, the studs not measured, 5^d-ob. rendering betwixt the studs 2^d."

We may assume that plaster was in use in Stamford in 1644, for, according to a court record of that year, an Indian struck a woman of the town with a lathing hammer.

Early lath were almost invariably of oak, and split out by hand. Sometimes thin sheets of sawn oak were split through at intervals with a hatchet, then spread or stretched out, and nailed to the studs in sections.

The early use of thatch has already been touched upon, and its failure to stand up under weather conditions in this country noted. No doubt, thatch was soon abandoned, and split wooden shingles used instead. After having been split out, they were tapered with a draw shave. A recent restoration of the John Pierpont house in New Haven (1753) disclosed the fact that some split and hand-shaved shingles of oak were still in place on the roof, underneath several layers of other materials. White pine found greater favor as a material from which to make shingles, due, no doubt, to its easier working qualities and its remarkable durability.

Hand-shaved white pine shingles were also sparingly used as a wall covering for early houses, notably in Milford and Stratford. Such shingles, laid with a wide exposure, were of great length, specimens still in place measuring three feet and over.

Clapboards came into use very early as a form of wall covering, and material of this form soon became the standard exterior finish for frame houses. Clapboards

were of oak until a comparatively late date. They were split or "riven" from short sections of oak logs into standard lengths. An early New Haven court set these lengths at four, five, and six feet. Owing to a radial plan of splitting, the cleavage was in the plane of the medullary rays: consequently, each clapboard exhibited the characteristic markings of quartered oak.

These clapboards of riven oak were generally nailed directly to the studs, as the use of frame sheathing was not early. The ends of adjoining clapboards necessarily met upon a vertical stud, and were bevelled and lapped in order to make the joint more nearly weatherproof. Early clapboards were generally of about the same width as those in use today, though some were wider.

Eventually, the use of white pine superseded that of oak as a material for the outside covering, because, where exposed to the weather, it was more durable than oak, and could be worked with greater ease.

Another common form of outside covering, not belonging to any particular period, is that known as weatherboarding. It consisted of white pine boards, generally about a foot in width, applied horizontally to the studs. The courses overlapped each other, in the fashion of clapboards, though sometimes the lower edge of each course was fitted into the rabbeted upper edge of the course below. Frequently, houses are to be seen which have clapboards on the front and ends, and weatherboarding on the rear. The writer recalls no instance of the use of weatherboarding on the front of a house.

The use of horizontal matched boarding as an exterior wall covering is very late. It is not to be found on houses built before 1800.

The windows of the earliest Connecticut houses were small, and for two reasons. In time of sudden Indian at-

tacks, houses were the only refuge, and small windows made them more secure. Then too, glass was scarce and expensive, and difficult to replace if broken. Probably the poorer settlers found a substitute for it in the use of oiled paper, or even cloth. But in the beginning, those who could afford it imported glass from England. Such men as Wyllys, Davenport, and Eaton would not have been satisfied with any substitute.

Undoubtedly, the earliest windows were of casement type: that is, the sash were hinged at the side, to swing out. Such sash were glazed with diamond-shaped lights of glass, held in place by lead bars. In writing of the earliest houses, in his *History of New Haven Colony*, Lambert states, "The windows were of small diamond glass set in lead frames, and swung open each way on the outside." This would indicate that casement sash were sometimes used in pairs.

All of the early casement window frames which exist today, however, were made to accommodate single sash. A seventeenth-century window frame which may still be seen in the lean-to attic of the Lee house in East Lyme (1664) held a single sash, which must have been nineteen inches high by nineteen inches wide. A similar frame in the Shelley house, Madison, of approximately the same date, was built to accommodate a sash twenty inches high by eighteen and one-fourth inches wide. An early casement sash now preserved in the Hyland-Wildman house collection, in Guilford, still contains its diamond-shaped "quarrels" of glass, set in lead bars. This sash measures twenty-five and five-eighths inches high by fourteen and one-fourth inches wide.

We do not know definitely when casements were supplanted by double-hung sash: probably this did not occur before 1725. We do know, however, that the earliest

form of double-hung sash was, like casements, glazed with diamond-shaped lights set in lead. This form of glazing gave way to that with which we are familiar to-day, consisting of rectangular panes separated by wood muntins or sash bars.

Previous to the time when lath and plaster became the accepted materials for finishing interior wall surfaces, the use of wood wainscot for this purpose was universal. Wainscot consisted of wide boards of white pine or white-wood; generally, though not always, applied with vertical joints. These joints were invariably moulded, the commonest form of wainscot displaying a flattened quarter-round on the edge of one board, with a bevel on the edge of its neighbor. Existing examples of wainscot show a great variety of moulded joints, some of them being of great beauty.

Later on, when the use of plaster began to creep in, wainscot was still used in kitchens, but a more elaborate form appeared on the fireplace walls of the front rooms. This was a system of panelling, composed of stiles and rails, with raised panels. Some of the new panelling was of great elegance, and, in the richer houses, became pretentious and elaborate.

It is worthy of note that in connection with the earlier wainscot, structural members such as posts, girts, and summer beams were chamfered and left exposed. With the advent of panelling, however, such timbers were cased, and often finished with mouldings as well. Furthermore, the doors that occur in walls finished with wainscot were invariably of batten type, and made of the same material as the wainscot itself, whereas those in panelled rooms became of corresponding panelled form. The panelling of fireplace walls continued in high favor up to the latter part of the eighteenth century, when it

eventually gave way to the familiar mantelpiece of Georgian form, set against plastered walls. Some of these mantels, particularly those of the Adam period of 1800–1820, are of exceptional beauty, and display a wealth of remarkably delicate and intricately-wrought detail. Previous to the post-Revolutionary period, when mantels began to appear, fireplace openings were generally finished with heavy mouldings of bold projection, applied to the wainscot or panelling. Often called “roll,” or, more properly, bolection mouldings, they were mitered at the corners to form a frame around the fireplace opening.

The corner cupboard, sometimes referred to in old records as the “bowfat,” “boffet,” or “buffit,” was a feature that belonged almost exclusively to houses of central-chimney plan. Its position was well fixed, for it is found almost invariably in the “best room,” or parlor, usually in the right-hand farther corner if we stand with the fireplace at our backs. Sometimes it occurs on the left hand instead, and in some rare instances either against the chimney wall, or as a part of the panelling system.

While the earlier and more primitive forms of corner cupboards lacked doors in the upper part, solid panelled doors below the counter shelf appear to be the rule in both early and late examples. Later, the use of a glazed door in the upper part became customary.

In the richer houses, we find the corner cupboard treated with a considerable degree of elaboration. Very often, fluted pilasters were used at the sides, and in some cases the semi-circular back of the upper part was finished with a shell-like termination at the top, with carved ribs and flutes.

In houses of central-chimney plan, the stairs are to be found almost invariably at the rear of the small front entry or “porch,” against the chimney stack. In the earliest

examples, the stairs were steep, the treads narrow, and the use of "winders," or diagonal steps at the turns, not uncommon. Houses of lean-to plan commonly have a back stairs in addition, at one end of the kitchen. The stairs to the cellar were generally placed beneath the main stairs, and led down from one of the front rooms.

Cellar stairs constructed either of stone or solid oak logs are an almost certain indication of seventeenth-century work. When made of logs of rectangular section, the ends were built into the masonry that enclosed them on either side. In some instances the steps were triangular in section, and made by cutting beams along their diagonals. These triangular steps were fastened to heavy string pieces by means of oak pins.

Such construction, however, was never used for the stairs in the upper stories, which were built up of thin treads and risers in the modern fashion. Many ingenious methods were employed for supporting them and fastening them together.

The front stairs of the earliest houses lacked handrails and balusters, simply being enclosed behind a thin partition of wainscot sheathing. Oftener than not, there was a batten door at the bottom of the flight. As time progressed, the enclosing wainscot was lowered in height, and a simple handrail framed into plain square newels introduced. Later, balusters were added. Their use began about 1700, the earliest forms being stumpy, with short, robust curves that were quite Jacobean in spirit. The heavily moulded box string, which covered the otherwise exposed ends of treads and risers, is characteristic of the balustraded stairs of central-chimney houses. From the earlier type of balusters, the development was toward those of greater height, with more graceful, flowing forms.

When the house plan developed from the central-chim-

ney type into that of central-hall arrangement, the stairs naturally became of greater importance. Eventually, the angle of ascent grew less steep, the box string disappeared, and stairs displayed a considerable degree of elaboration. In the finer houses of the last quarter of the eighteenth century, mahogany was sometimes used for handrails, and in a few cases for balusters as well. Such balusters were often of spiral or twisted form.

The inventiveness and genuine skill of the early Connecticut craftsmen is reflected in the hardware that they wrought, fully as much as in any other item of the house construction. Hughes' *History of East Haven* states that "No attempt was made to manufacture anything but what was done by hand on the anvil under the strokes of the smith." That these smiths were fine craftsmen is just as evident as that they were men of good taste.

Hinges, door latches, bolts, and various other items of hardware were generally of forged wrought iron. Latch handles of brass do occur, but they are not common. Brass door knockers are more frequently met with than those of iron, but it is probable that the former were, for the most part, English importations.

The excellent state of preservation in which exterior door latches and other items exist today, often after nearly two centuries of unprotected exposure to the elements, bears testimony to the remarkable purity of the iron from which they were forged.

Frequent references to the early manufacture of iron from the ore may be found in the Court Records of New Haven. Under the date of March 16, 1654 we read: "Mr. Goodyear desired, if they knew of any Ironstone aboute this Towne, they would make it knowne, that now Mr. Winthrop is here he may be gotten to judge of it, and if it prove right, and that an Iron mill might be

set up here it would be a great advantage to the Towne.” The subject again appears under date of November 29, 1655, with a record of the town’s vote “to give a full libertie for the Ironworkes to goe on & also for wood, water, Iron-ston, oare, shells for lime, or whatever else is necessary for that worke, upon the Townes land. . . .” According to Lambert, the work was carried on until 1679, when it was abandoned, due to the death of the principal workmen.

All nails were made by hand. They varied in shape and size, according to the use for which they were intended. For instance, nails for fastening clapboards had large flattened heads, while flooring nails had narrow heads, which were driven in so that they ran with the grain of the wood.

Hinges were made in a great variety of forms. One of the oldest is the long strap hinge, with its eye hung over a shouldered iron peg or “pintle” driven into the jamb. The “butterfly” hinge is a very old form, of English origin, and was used principally for hanging cupboard doors. “H-and-L” and “H” hinges are much later forms, and were used more commonly than any other sort.

An even broader diversity of forms is to be encountered in the study of latches. It is apparent that the early smiths gave free rein to their artistic imaginations in forging out these latches, for, with the exception of the earliest examples, there was a general lack of similarity in design. Some of those made for use on outside doors were very large, and of bold and vigorous design.

We know comparatively little concerning the early use of paint. The early records are, for the most part, silent on this subject. The New Haven Court Records for February 14, 1647 contain a reference to priming “the Kinges

Armes," but that does not necessarily indicate that paint was being used on the houses of that time. It does show, however, that the material could then be obtained in the colony of New Haven.

Probably few, if any, Connecticut houses were painted before 1700. Even after paint began to be used on exteriors, the interior woodwork was left unpainted. Painting at first was for protection of the woodwork, not for effect. Some of these unpainted interiors which have come down to us today are very beautiful. Age, wood, smoke, and sunlight have combined to produce a mellow richness that is far more lovely than any effect of paint could be.

Contrary to general belief, early houses were not painted white. The colors used were red, yellow, and blue. Wadsworth's map of New Haven, dated 1748, designates the color of each house, and shows that many of them were painted either red or blue. White paint did not come into general use until about the Revolutionary period.

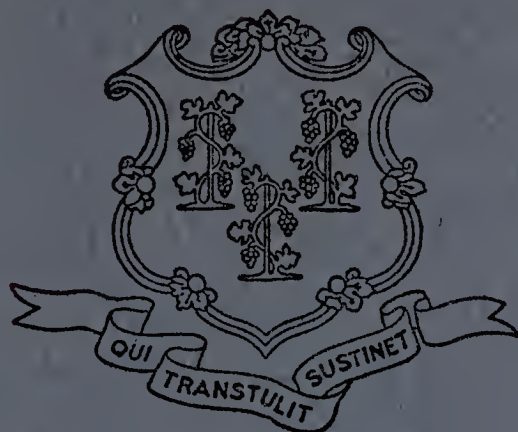
An examination of early painted surfaces shows that the coats were very thin, and that the pigments used were principally mineral. According to tradition, both milk and buttermilk were used as vehicles. To what extent linseed oil was employed, we do not know, but whatever the composition of early paint was, it has stuck to the wood with surprising tenacity.

In concluding this article, it seems but fitting to make a brief plea for the preservation of the ancient houses of Connecticut that are still standing. Possibly, we have accepted too much as a matter of course our rich heritage of early houses, and accordingly valued it too lightly. Be this as it may, the fact remains that each year sees fewer old houses left. Too many by far have already disappeared without actual need; some, due to neglect and decay; many, it is to be regretted, as a result of deliberate

destruction. Is it not time to pause and face the fact that once these old houses have gone, we can never replace them? Furthermore, let us realize that these dwellings, built by the hands of the men who laid the very foundations of our commonwealth are, in fact, *human documents* of the greatest value and the utmost significance. They must not be destroyed, for they form a vital and irreplaceable link with a vanished past and a people whose part in the upbuilding of our nation merits our humble and reverent admiration.

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Milford, Connecticut
The Early Development of a Town
as Shown in Its Land Records

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ON an autumn day in 1639 a band of Puritans in New Haven said good-by to their friends and started westward through the woods. A sturdy Indian fighter, Thomas Tibbals, was to guide them along the forest paths to a new home ten miles away; a kindly Herefordshire minister, Peter Prudden, was to lead them in the new life that faced them there. It was the third migration of the group. About two and a half years before, most of them—friends and parishioners of Prudden—had sailed from London to Boston in company with John Davenport, Theophilus Eaton, and the other founders of New Haven. From Boston a year later they had moved with the Davenport company to the broad mouth of the Quinnipiac River. Now they were pushing onward a little further into the wilderness to found a plantation of their own.

While in New Haven they had received land on equal terms with the other settlers, but there is nothing else to show that they ever planned to stay permanently. Apparently they remained only until their own plans should mature. They sent out a party of four explorers and on

February 12, 1639, negotiated a treaty with the sachem Ansantawae and other Indians of "Wepowaug" by which they bought a tract of land running from the East (or Indian) River to the Housatonic, and north from the Sound to the path between New Haven and the Indian village of Paugasset, the site of the future town of Derby. For this tract they gave the Indians six coats, ten blankets, one kettle, twelve hatchets, twelve hoes, two dozen knives, and a dozen small mirrors. On August 22, 1639, the same day that the New Haven church was organized, Prudden's friends met separately, chose their own "seven pillars," and adopted their own church covenant. Prudden himself had spent the previous winter preaching at Wethersfield, which place at that time had no pastor. He was a man of winning personality and sound common sense—an ideal pioneer leader. Several of his temporary parishioners became so fond of him that they gave up their former settlement to follow wherever he might show the way. These people and a few families from other places now joined the group. When at last the harvest was gathered in New Haven, Prudden's followers collected their families and their goods and set forth to found an independent community about the person of their own loved pastor.

The settlement needed little formal organization at the start and that little was soon contrived. The church was already created. Through that body these worthy Puritans felt they could settle all fundamental problems affecting civil government and distribution of the land. At the first General Court, held on November 20, the forty-four church-members among the group were accepted as "free planters." The remaining ten settlers were admitted as inhabitants but were denied political privileges. The General Court then declared that "The power is settled

in the Church to choose persons out of themselves to divide the Land into Lotts as they shall have light from the Word of God, and to take order from [that is, regulate] the timber." The religious and biblical nature of the community was further emphasized when the town chose five men "for Judges in all Civill Affaires [who] are to try all causes Between man and man as a Court to punish any Offence and Sin against the Commandments." Until a body of laws should be established these judges were "to observe and Apply them Selves to the rule of the Written Word of God." Shortly afterward the new town took the name of Milford. This organization of the new community was characteristic of the Puritan method of settlement. The church, the government, and the land were all in the control of a single group of leaders. In the history of Milford, as in that of many another New England town, the church existed as a covenanting body of members before the civil government was set up, and even before the settlement was actually begun. Accepting the Scriptures as their primary rule of conduct, and acknowledging no higher political authority under God than themselves, the planters created in effect a little ecclesiastical republic in the wilderness. For the present, at least, they were free to work out their religious, political, and economic destiny without interference from the outside. In retrospect the little community of fifty or so families alone in the wilds seems pitifully weak and its ambition for independence seems almost fantastic. Yet the human stuff with which it was planted was just the stock from which a vigorous society could best be grown upon the barren and unpromising soil of New England. And the self-reliance of the little plantation typified the independent spirit that marked the early history of all Connecticut.

The first step in the physical settlement of the town was the distribution of homelots. Grants were made on both sides of two streams, the Mill River or Wepowaug, and the West River. The land on the banks and a strip to the south of the homelots lay in common, and after being fenced were used as a common pasture by the adjacent landowners. Most of the homelots were narrow rectangles varying in size from two and three-quarters to seven acres. The planters determined the size of the lots by what they called "the rule of persons and estates." This meant that they considered in each case three factors: first, the relative size of a man's estate, and the amount he had contributed to the common expenses of the settlement; second, the size of his family; and third, his prominence and ability as a leader in the arduous task of making a settlement in the wilderness. On these homelots the owners built their houses and first rude barns. Here, too, they planted their kitchen gardens and sowed an acre or more of grain or Indian corn. Around the homelots as a whole they set up a palisade. The enclosed area became in time the center of the town and community life and the nucleus from which all later expansion took place.

Probably the building of houses, fences, and palisade, and the cultivation of the homelots were enough to keep the planters busy for the first year or so. But a further distribution of land soon became necessary, for not even the largest homelot was big enough to supply the needs of a family. Twice before 1643, therefore, the town agreed to divide up parts of the outlying arable land. The basis of these divisions, as well as of those which followed soon after, was the same "rule of persons and estates" which had been used in apportioning the homelots. But how to treat everyone fairly was a problem. The land was not

all equally fertile and some of it was naturally much more conveniently located than the rest. A man who received a rocky hillside a mile or more away from home was likely to think himself ill-used if his neighbor got land in a well-watered bottom close at hand. Milford solved this difficulty, as did other New England towns, by the system known as "sizing," whereby the amount of land granted was made to compensate for differences in quality or location. When a division was to be made a committee of "sizers" chose a piece of land typical in every respect of the general run of that to be divided. This plot was called the "pattern." Then, as the individual lots were laid out, the "sizers" carefully compared them with this "pattern" in regard to fertility and distance from the homelots. If the land in question was poorer in quality or appreciably farther away from town than the "pattern," the "sizers" added an extra amount free from taxes, while if the plot was more desirable than the "pattern" they decreased the amount granted, but still recorded the lot as taxable for the full amount. In this way every one might receive fair treatment.

For the "first division abroad," as it was called, the planters chose two large tracts, called Eastfield and Westfield, lying southeast and southwest, respectively, of the homelots. So far as possible each man received land in the field nearer his homelot. Each tract was subdivided into tiers or "shots" within which the individual lots were laid out. As a further means of insuring fair treatment no one got all his land in a single piece but had it split up into two or more separate lots. Soon after this first distribution, a second installment of land was parcelled out to the planters. Part of this "second division at home" was located in the same regions, while the rest was laid out in the "Mill Neck" or "Captain's Neck" to

the south of the homelots and in the section to the north and east of the palisade.

At about the same time that these grants of arable upland were made, a division of meadow took place. Some of this meadow was marshy land near the streams of the town, but most of it lay along the edges of the harbor and in a large tract south of Westfield, called the "Great Meadow." Useless for the planting of corn or grain, such land was highly prized for its natural crop of salty hay. The owners of meadow never fenced their strips but simply marked the individual boundaries with mere-stones, after the fashion of the English manors from which many of the settlers of New England came. High tides on the Sound and spring floods along the streams made such boundary marks very insecure. Once the town had to name a committee to redetermine the boundaries of one meadow. It is said that when the electric railway company wanted some years ago to get a right of way through the Great Meadow it met with much difficulty in locating the claims of individual owners. One family found that it had been cutting hay for years from a strip five-eighths of a mile from the place where the original grant was located.

By 1643, when the town was four years old, the first stages of settlement were passed. Not only were church and local government firmly rooted, but enough land had been granted out in houselots, upland, and meadow, to take care of the immediate needs of the inhabitants. Without either interference or help from outside, the little community had succeeded in establishing a separate existence in the wilderness.

But throughout New England people were beginning to realize the need for closer ties between the various settlements, large and small. In May, 1643, Massachu-

setts Bay, Plymouth, Connecticut, and New Haven, together with several towns which had developed from New Haven, formed a four-cornered league or confederation. In the autumn the United Colonies gave the New Haven Jurisdiction permission to annex Milford. The town was willing enough, for the advantages of joining the larger, stronger group outweighed those of complete independence. But an obstacle arose. Apparently four of the ten original settlers who were not church-members had since been admitted to the church. And, with surprising broadmindedness, the town had given the six remaining "ungodly" ones similar full privileges in civil affairs. Such liberalism shocked the strict Puritans of New Haven. They could not have their political system so contaminated, for they believed firmly that only church-members were fit to share in the government of the Puritan state. But Milford loyally refused to disqualify her six freemen as the price of union. Finally, a compromise was reached, allowing the six to act in all purely local affairs and to vote for deputies to the General Court at New Haven, but forbidding them to vote for magistrates or to hold office "for the Combination." Milford further agreed to admit only church-members as freemen in the future. Under this arrangement her deputies took their seats at the next General Court on October 27, 1643. The town had voluntarily surrendered its independence.

In this political affiliation Milford passed the next twenty-one years. The combination was logical and necessary. Such tiny settlements as those around New Haven could hardly hope to exist indefinitely without some form of mutual support. Eventually even this organization proved too weak to stand alone. In 1664 the towns of the New Haven Jurisdiction were absorbed by

the larger colony of Connecticut. In making their reluctant surrender they abandoned the absolute union of church and state. While their Puritan theology remained untouched, the theocratic nature of their government was modified. Hereafter, property rather than church-membership was the basis of their political organization.

Even if Milford lost its independence in 1643, its town meeting kept almost complete control over local affairs, especially in relation to the granting of land. During the next forty-five years many newcomers arrived and the sons of the first planters came of age. The increase of population together with the steady clamor of the planters for greater acreage, made necessary five more general divisions by action of the town. The cry for land, land, and still more land, is a constant refrain in American history. Land-hunger brought many of the first settlers to these shores. Land-hunger drove thousands upon thousands of pioneers ever westward until, nearly three centuries later, they had wiped the frontier from the map. The early history of Milford is almost a summary of the continent's story. The planters never seemed satisfied. "If the town has some land," their records seem to say, "then cut it up at once. If no good land is left, then get more from the Indians and let us have it. No matter if this land is far from our homes; we will put up with that inconvenience or move to the new land itself. In any case, we must have more land!"

The first of these five divisions was voted in 1646. The land distributed lay to the west, north, and northeast of the homelots. Since some of the lots lay far from the center, the town voted that those whose land was two miles out should be freed from the usual taxes upon it. For the first time the distance of the farmers' lots from their homes was a noticeable problem. Coincident with

this distribution was the division of the remaining meadow-lands, including all the low, marshy bottoms then within the town. The planters voted the next distribution in 1657. Since good land within easy reach of the homelots was now scarce, they bought for £25 all the land the Indians had left from the East River to the Oyster River (the present eastern boundary of the town) except twenty acres at the point.¹ The planters of the east side took their grants in this purchase; those of the west side in the plains toward the Housatonic. This division followed the usual "rule of persons and estates," revised to include such children as had been born since the last division. For twenty years the triple formula adopted at the first settlement had remained the basis of distribution in the town.

When the next allotments were made the town voted to change its system. The size of a planter's estate now became the only factor normally considered in determining his share. In the two "half divisions" voted in 1675 and 1678 all planters were divided into three classes. Those whose taxable estates amounted to less than £50 received ten acres, those with estates between £50 and £100 had fifteen acres, and those with estates above £100 got twenty acres in each of these divisions. By vote the minister and the ruling elder had places in the highest class. Part of the lands granted lay near the Stratford ferry at the Housatonic River; the rest was scattered through what was then the northern part of the town. Many of the lots were extremely long and narrow; strips half a mile but only 250 feet wide were common. Such proportions would seem awkward and inconvenient to

¹ The town bought this small tract, the last which the Indians held within what were then the bounds of Milford, a year later for six coats, two blankets, and two pairs of breeches, and then sold it "by an outcry" for £21 6s. to Thomas Welch after whom the point has ever since been called.

the modern farmer. Yet this method permitted all men in a given area to hold much the same kind of land, so that the seventeenth-century Puritan's love of equality was satisfied.

The clamor for more land continued. But not enough good land, either near at hand or far away, was left in the town for division on such a grand scale as the planters soon demanded. Until this time the northern boundary of Milford was the path from New Haven to Derby. But already Milford had agreed with these towns upon its future lateral boundaries, extending them with shrewd foresight almost indefinitely up into the country. To satisfy the expansionists it was only necessary to bargain with the Indians within these potential boundaries. After some negotiations, the town bought in 1685 a tract running from Derby Path about six miles north to Bladden's Brook, a small stream flowing westward into the Naugatuck River approximately thirteen miles from Long Island Sound. The eastern and western boundaries, already agreed upon with New Haven and Derby, were not quite a mile and a half apart. Two years later, in 1687, the town voted to divide this land. While the allotments were again apportioned according to the relative size of planters' holdings, each man got half an acre for every pound in his taxable estate. Discrimination in favor of wealthier owners thus became more marked. The lots were much larger than before and a few men received as much as 200 acres apiece. The town specially recognized eleven individuals by adding for the purposes of this division £18 to the value of their estates. At the same time appeared a significant new departure. The planters formally voted to exclude eleven rate-payers from any share in the division on the ground that, as recent arrivals, they were not entitled to benefit from

the purchase. A feeling of separation was developing between the families of the original proprietors and later settlers who had not shared in the difficulties, the risks, and the expenses of the first planting. This feeling was to grow with the years and was at last to result in a complete break between the two groups and in the removal of land questions from the control of the town meeting.

The division of 1687 was, in fact, the last general division voted in town meeting,² and so marked the end of a period in Milford's development. Since its founding, the town had made altogether seven divisions of upland and two of meadow in addition to the original distribution of homelots. Laid out according to the wishes of the majority, these divisions had one by one increased the planters' estates and had steadily expanded the cultivated area of the town. As a result of this "installment plan" each planter owned several plots in widely separated parts of town. The landed estate of Deacon Richard Platt, an original settler, was typical. After the division of 1687 it consisted of one homelot, four strips of meadow, and nine pieces of upland—one farm in fourteen parts, with seven miles between the extreme northern and southern tracts.³ How a modern farmer would rail at such a system! But there were compensating advantages. By getting his ground in such installments the planter could develop his holdings progressively. He need not pay taxes on any land much in advance of his capacity to cultivate it profitably. And when he and his neighbors were ready for more land they could easily agree to distribute it at once. Furthermore, the planter could be sure that among

² It is true that a town meeting on February 17, 1709, voted "to divide the lands at Bladden's Brook." But there is no further reference to such a division in the records. This area is indicated on Map 2 by the blank space just below the Two Bit purchase.

³ See Map 1. The blackened portions form the Platt Estate.



LAND DISTRIBUTION IN MILFORD, CONN., 1639-1700

- Fenced Land—Homelots and Upland.
- Unfenced Land—Meadow and Swamp.
- A. Common and Undivided Land.
- B. Sequestered for Special Purposes: church, ferry, common pasture, etc.
- C. Grant to Indians in 1680.
- Platt Estate.

his scattered tracts some pieces, at least, were as good and as well situated as those of his fellow-townsmen. The system would hardly do in the twentieth century, but it clearly suited the needs of seventeenth-century New England.

Besides such general divisions Milford made a great many isolated grants to deserving individuals. Some were houselots given to newcomers. Under certain safeguards and restrictions intended to prevent the settlement of undesirables, an immigrant might buy land from an inhabitant. But usually the prospective settler applied directly to the town meeting for a grant. If he was deemed a worthy and desirable addition to the community, he was then given—never sold—a small homelot. To insure his good faith the town required him to build upon his lot within two years or forfeit the grant. There is plenty of evidence to show that this requirement was strictly enforced. The same arrangement applied to young bridegrooms of the town and to servants who had completed their terms of indenture. New householders seldom received arable or pasture land along with their houselots, and such grants, when made, were relatively small. Usually the new planter had to wait until the next general division and then receive a share on the same basis as all others. But at least he had a homelot and a start. By thrift and industry he might in time succeed in building up his estate to a level with all but the most wealthy of the first settlers.

Some of the individual grants were designed to encourage the planting of special crops. The raising of hops, for example, greatly interested Milford as it did other Puritan towns. Their malt and hops, when not used at home, were shipped to Philadelphia, where the Quakers established a reputation throughout the colonial world

for their beer and ale. But long before the founding of Pennsylvania, home-brewing had become an art in New England. Milford made a few small grants of land for hop-gardens very early. But these were quite outclassed when the town voted in 1648 that Sergeant Camp, a merchant and farmer, might take for a hop-yard as much land as he should want adjoining the Housatonic River. He actually laid out forty-five acres there and for many years that whole region was known as the Hop-Garden. Milford also became interested in tobacco culture. The large island off the harbor, first called Milford Island, belonged to a local merchant, Richard Bryan. In 1656 he asked the town's permission to sell it to an out-of-town tobacco planter, Charles Deal, from whom it derives its present name of Charles Island. The town voted that Deal might buy the island providing he should use the building on it only as a tobacco house, not living there except in the growing season, and providing further that he should not "contrary to any order either Sell or truck with either Indians English or dutch nor Suffer any disorderly Resort or meetings of Seamen or others there." Thus did Milford countenance and even promote the production of beer and tobacco during the first generation of New England Puritanism.

Milford did not overlook industrial workers in its distribution of land. On the contrary, it distinctly encouraged artisans to come and follow their trades to the mutual advantage of themselves and the community. Many a time the town offered a small lot as an inducement to an out-of-town tanner, weaver, glover, cooper, smith, fuller, tailor, or shoemaker. In fact the frequency of these grants suggests that the bait was often held out in vain. Other towns were keen rivals and often succeeded in outbidding Milford for the services of some desirable

craftsman. But by far the largest, as well as the most important, grant for industrial purposes was that to William Fowler, one of the first settlers, for a gristmill. At the second town meeting after the migration terms were agreed upon for this undertaking, so important to the life of an agricultural community. Fowler was to build the mill and mill-house, provide all the labor and materials, and have it going in time for the first harvest. The town agreed either to take it off his hands for £180 or to set a fair rate for the grinding of corn. Though Fowler kept the mill the town always regarded it as a community affair. When freshets injured the machinery in 1645 he was authorized to call upon each inhabitant for one day's labor to help in the repairs. The town also gave him ten acres of land free from rates and, when he got a second pair of stones from England at his own expense, made him a further grant. Other mills, for sawing wood as well as for grinding grain, were erected by authority of the town, but Fowler's mill was the busiest in the community. It remained in active use until late in the last century as a small but interesting example of an early American public utility. The name chosen for the town was both appropriate and prophetic.

Grants of land for commercial purposes also played an important part in the town's economic life. As early as 1650 the General Court allowed two planters, Alexander Bryan and William East, a piece of land on which to build a warehouse, sixty feet by twenty. Other similar grants followed. Adjacent to his warehouse Bryan built a wharf which he gave to the town in 1653. This wharf, the first of a series maintained by the town during the succeeding centuries, was for a long period the center of a flourishing commercial activity.

The water-borne trade of the town, while relatively

small, was still large enough to carry the name of Milford even beyond the shores of New England. In 1680, the governor of Connecticut reported to the Lords of Trade in England that Milford had a "pretty good tide harbor" into which vessels of thirty or forty tons might come. Among the towns of the colony at that time only New London and New Haven exceeded Milford in tonnage of vessels registered. It then boasted as its merchant fleet one pink of eighty tons, one ketch of fifty tons, and one bark of twelve tons. Scattered entries in the records illustrate its commercial activities. The chief trade was with New York and Boston, to which provisions were shipped for re-export and from which English manufactures were brought back. The sloop *Sea Flower*, for example, once carried to Boston a cargo of malt and cider, besides ten bushels of wheat and fourteen of Indian corn which the captain was to exchange for "one Gun Suitable to Train with & a Cross Cut Saw not the Larger but middle Size and the Remainder in money." The Bryan wharf became a usual terminal for New York vessels carrying travellers to or from the towns along the Connecticut River and for many years the correspondence between colonial officials of Connecticut and New York was regularly entrusted to Milford merchants to be forwarded to its destination. Barrel staves, pipe staves, flour, and biscuit went out to the West Indies; back came molasses, rum, a few Spanish pieces-of-eight or Dutch guilders, and now and then a case or two of smallpox. In Virginia, Barbados, and Surinam the Milford vessels were known. But most of the records of this trade are gone. Only a few receipts and invoices turn up here and there, mere straws in themselves, perhaps, yet enough to show the direction of the winds that were blowing Milford's ships about the colonial world.

A glance at the map will show that during the seventeenth century a good deal of the town's land was never distributed to individual planters. Some of it had been set apart at one time or another for a special purpose. Several plots, especially a large section of the Great Meadow known as "the Elder's Meadow," were assigned to the support of the church. Two large tracts, one southwest and the other northeast of the homelots, were designated as common pastures for the planters' livestock. In 1674 the town set apart forty acres near the end of the Stratford highway, along the Housatonic River, as a subsidy for a ferryman. Lands were to be found in nearly every part of the town devoted to special purposes. They were officially known as the "Sequestered Oyster Neck and Ferry Lands." Intending them for the good of the community as a whole, the planters took measures to insure that they would never be used for the special benefit of late-comers or others not recognized as planters and proprietors. The town voted in 1688 that the Sequestered Lands should be measured and proportioned to every planter according to the list of 1686—that is, on the same basis as was used in the last general division of common land. The planters were not to occupy their allotments separately until the proprietors as a group should agree. But these lands were to pass out of the control of the town meeting and into that of the group of proprietors. Thus the town created a quasi-corporate body—the first of its kind in Milford—which held meetings, elected its moderator and clerk, and transacted business for 120 years.

Most of the land which remained undistributed during the seventeenth century lay outside the tracts officially sequestered for special purposes. It was simply land which for one reason or another had not been included

in any of the general divisions or special grants. Such areas were known as the "common and undivided lands." At first each planter was free to use them in any way he could, to cut timber there, to pasture animals, or to get building-stones or any other useful article which he might find. Planters abused this privilege, however, and restrictions followed. By 1696 the scarcity of wood became so serious that the town prohibited everyone from getting timber from the common land "for the building of any sort of Boats or Vessels fit to go to Sea in" without the consent of the town or of the selectmen. The activities of the sawmills were curtailed at the same time. As yet, however, the planters took no steps to remove the control of the common land—as distinguished from the Sequestered Lands—from the jurisdiction of the town meeting. Such action was postponed until the second decade of the eighteenth century.

Meanwhile, two new proprietary bodies appeared. The desire to expand still persisted and led to further Indian purchases in 1701 and 1703. The first of these embraced the land directly north of the town limits and extended from Bladden's Brook about three miles north to Lebanon Brook between the Derby and New Haven lines. The second purchase carried the boundary of the town a mile and three-eighths further north to Beacon Hill Brook, which became the dividing line between Milford and Waterbury. This was the final purchase to be incorporated into Milford. Thus at its greatest extent the town embraced a tract of peculiar shape. Hemmed in by Long Island Sound at the south, it extended twenty miles north into the country.⁴ Over six miles broad at the base, it narrowed gradually to the north, and its upper ten miles were only a mile and three-

⁴ These boundaries are indicated on Map 2.

MAP 2



GROWTH OF COMMUNITIES FORMED OUT OF
PARTS OF MILFORD TERRITORY

----- Boundary of Milford at its greatest extent,
1703-1784.

1. One Bit Purchase. Divided in 1769.
2. Two Bit Purchase. Divided in 1728.
3. Northrup's Farms, nucleus of Woodbridge.
4. Bryan's Farms, nucleus of Orange.
5. Wheeler's Farms.
6. Merwin's Farms } Nucleus of the
7. Burwell's Farms } Borough of Woodmont.

eighths wide. The decision to make these purchases was reached in town meeting and agents of the town conducted the negotiations, yet the transactions differed radically from all earlier ones in Milford. The purchase price was raised in both cases by voluntary subscriptions from individuals in the town; each share was of a specified amount without relation to the subscriber's ratable estate; and the land bought was always regulated in meetings of the shareholders or proprietors and never in town meeting. The two tracts were called the "Two Bit Purchase" and the "One Bit Purchase," respectively, from the price paid for a single share.⁵ To the first transaction 195 inhabitants subscribed, while 178 persons took shares in the second tract. Thus before 1710 three distinct bodies of proprietors existed in Milford, controlling respectively the Sequestered Lands, the "Two Bit Purchase", and the "One Bit Purchase."

At the same time the movement to distinguish the proprietors of the common and undivided lands and the inhabitants of the town in general was growing. The descendants of the original planters more and more resented the thought that newcomers might reap where they had not sown. Recent arrivals, on the other hand, objected quite naturally to exclusion from lands which seemed to belong to the whole town. The contest in Milford was only part of a general struggle which was going on throughout New England. Everywhere the issue was being joined between those who represented the older and now more aristocratic sections of society and the newer, more plebian inhabitants. So far as the Milford records go, the dispute was largely a silent one. But

⁵ A "bit" or real, one-eighth of a Spanish dollar or piece-of-eight, equalled ninepence Connecticut currency. It is from this source that we derive the popular expression "two bits" for a quarter-dollar.

it was none the less spirited. In the end, the first planters, greatly outnumbering their opponents, won the day. On January 27, 1713, the town meeting decided "by a very full vote" to grant out the common and undivided lands "to those persons and their heirs forever which are in the present publick List of Estates to be proportioned to or by the said List adding those persons which shall be agreed upon by the Town and excluding those in the List that shall be by Vote agreed upon to be taken out of it." No one, however, was to take possession of his share until the proprietors should so approve by a two-thirds vote. Two weeks later the town decided to exclude from the list all persons admitted to the town since 1688 and all apprentices. As before, a few individuals were to have £18 added to the value of their estates. Then, in a spirit of good will, the town authorized a committee to give £18 shares to such persons "that came into the Town since 1688 as they may judge Reasonable as also to admit some Orphans." The list as finally made up contained 197 names as compared with a total of 134 names in the last general division of 1687. How many were finally excluded it is impossible to say, but the number was probably not very large. The planters were obviously more interested in safeguarding their future rights than in oppressing the minority of present inhabitants. The Proprietors of the Common Lands in Milford, who now became a separate organization, received from the General Court of the colony a deed of release and quitclaim "of and in the lands within the said town" on May 22, 1713, which specifically confirmed their title to the common and undivided lands. This settlement soon won further confirmation. In 1720 the General Court decided a test case from New London in favor of the proprietors and three years later passed an act to regu-

late the procedure of town proprietors which settled the vexed question for all time.

The interests of the Milford proprietors were now secure. The lands of the town no longer belonged to the community as a whole, to be disposed of as the majority might decide in town meeting. They belonged solely to the descendants of the first-generation settlers and such late-comers as were specifically included in the proprietary body. Whatever of democracy had existed in the original control of land had now disappeared. An aristocracy of land-ownership, diluted but none the less real, had arisen in its place. The social and economic organization of the town had undergone an important change.

The four proprietary bodies now owning land in Milford continued to hold occasional meetings. For several years their chief business seems to have been to check unwarranted encroachments upon their lands. But from time to time they took other actions. Once the Proprietors of the Common Lands voted to let every inhabitant cut timber under certain restrictions. Again the Proprietors of the Sequestered Lands granted twenty acres of "ferry land" to encourage the establishment of a boatman. This body also disposed of the wool from the town flock pastured on their lands.⁶ But eventually the proprietary bodies passed out of existence. The first group to wind up its affairs was that of the "Two Bit Purchase." In 1728, the shareholders voted to set off to each man his proportion of the lands previously held in common. Eleven months later the committee in charge made its final report. At the same time the proprietors of the "One Bit Purchase" voted a similar distribution, but for some

⁶ In 1728, for example, they voted that the profits from the sale of the wool crop of that year should be turned into the town treasury to be applied toward the building of a new meetinghouse.

reason which is not clear the land was not laid out until 1769. When each shareholder had received his lot, the organized body of proprietors, having no more land to control, quietly disappeared.

The Proprietors of the Common Lands voted to divide their scattered holdings in 1742 and the Proprietors of the Sequestered Lands followed suit in the years 1767-1769. But, in contrast to the distribution of the two Indian purchases, these divisions did not bring the two proprietary bodies to an end. Both groups still had several small pieces of land scattered through the town which could not be conveniently included in the general distributions. These remnants were not big enough to warrant another general distribution, and the proprietors had no authority to sell them. But New England ingenuity met the dilemma with a device simple enough at the time, however vexing it may become to future generations of lawyers. About 1770 the Proprietors of the Common and Undivided Lands began to lease their small tracts to adjacent landowners for terms of 999 years. The proprietors reaffirmed this policy at the opening of the nineteenth century and the Common and Undivided Lands soon disappeared. With its lands thus disposed of, the proprietary body ceased to function, and its members merged once more into the general body of inhabitants.⁷ The Proprietors of the Sequestered Lands survived only a few years longer. In 1798 they also voted to make 999-year leases of some of their remaining plots. In 1803 they leased twenty acres of land reserved for the Housatonic ferry, together with the boat and ferryhouse, again for 999 years, to a young and optimistic boatman. The final action of these proprietors, always distinguished

⁷ The last recorded meeting of the proprietors took place April 20, 1801, and the last lease was signed eleven months later.

for their public spirit, came in 1806 when they voted to lease for similar long terms all their remaining land, "the Avails of the Sales arising thereon to be added to the School funds and the Annual Interest to be applied for the benefit of the schools in Milford forever." Thus did the last of the Milford proprietors, in voting themselves out of existence, seek the welfare of the community their ancestors had founded 167 years before.

The disposal of Milford's last proprietary lands brought to a close another chapter in its history. All land except the original commons in the center of the town had now been granted out to individuals. The distribution was at an end and the era of expansion and pioneering was definitely past.

But the influence of the land-system upon Milford's growth persisted. In no way was it more marked than in its effect upon the development of new communities from the original settlement. Several of its neighboring towns owe their beginnings in part to the land-system of Milford. By 1700 the distance between farmlands and homelots had become irksome to many planters and some of them built houses and established "farms" in more convenient places. A few also began to consolidate their holdings into unified tracts by purchase and exchange. Around them other planters gathered in greater or smaller numbers. The first such consolidation was made by Joseph Wheeler about 1705 in a section near the Housatonic River previously called the Upper Meadow or Sergeant Camp's Hop-Garden, but ever since known as Wheeler's Farms. Later instances within the present town were Merwin's Farms and Burwell's Farms, both in the southeast near the Sound in what is now the borough of Woodmont. Although these settlements never became entirely independent of Milford, they were

typical of those communities which did develop into separate towns.

The first such settlement to become independent is the present town of Woodbridge. The division of 1687 included many large grants five or more miles from town, probably used first only as woodlots. They were later brought under cultivation and a few men even built dwelling houses there to spare themselves the daily journey over the dubious roads. Started by Joel Northrup, the first hamlet that sprang up came to be called Northrup's Farms. A similar development in New Haven led to a small neighboring settlement across the town line. Members of these two groups found the weekly trip to church through snow or mud a great trial to their families and themselves. In the autumn of 1737 they petitioned the assembly to be joined as a separate parish and freed from the obligation of attending church in Milford or New Haven. The former town fought the request. But the next year the assembly voted to create the parish of Amity and endow it "with all powers and privileges wherewith other parishes within this government are by law endowed." A large section in the northwestern part of New Haven and all that part of Milford between Lebanon Brook and a line drawn a short distance north of the New Haven-Derby road were included in the new parish. In 1742 the assembly authorized the parishioners "to embody into church estate with the advice and approbation of neighboring churches." Though they gained independence in religious affairs, the Amity settlers remained for some time under the civil jurisdiction of their respective towns. Secular freedom came gradually. In 1742 the assembly let the people of Amity form a separate military company; four years later Milford appropriated £30 for a schoolhouse there;

and in 1750 the town allowed the settlers to build and maintain a pound for their own use. By the time of the American Revolution the separatist feeling in Amity had become strong. The parishioners sent a memorial to the assembly in 1780 praying for the incorporation of a separate town. Milford, which always resisted its own dismemberment, again opposed. But it could not permanently obstruct the natural course of events. In 1784 the parish of Amity was incorporated as the town of Woodbridge, named in honor of the first minister of the parish. The last tie which bound the two communities together was finally severed.⁸

While this gradual separation was still in progress, a similar division was taking place within Amity itself. A number of settlers in the northern part of the parish found the roads to the meetinghouse almost impassable in winter. In 1755 the assembly gave them permission to have preaching among themselves during the four winter months and exempted them from one-third of the ministry rate of Amity. Seven years later they organized a regular ecclesiastical society under the name of Bethany. When the "One Bit Purchase" was divided in 1769, this territory was added to Bethany, bringing its northern boundary up to the Waterbury line. Milford gave the parish the right to set up a pound in 1782. When Woodbridge was incorporated two years later this parish was included within the new town, but in 1832 it also gained independence as a separate township.

The last unit to be set off from Milford grew directly out of the division of 1687. At that time Richard Bryan, the richest man in town, received 208 acres in a single tract about four miles northeast of the meetinghouse. Some forty years later his son moved to this land. A

⁸ See Map 2.

little village grew near his home, known for many years as Bryan's Farms, to which in 1750 Milford gave the right to keep a winter school. This nucleus developed into the Ecclesiastical Society of North Milford in 1804. A desire for complete independence took root here as well as in the nearby parish of West Haven, previously formed from part of New Haven. In 1822 the assembly joined the two parishes as the new town of Orange.⁹ There was little real unity in the two parts of this township, but it was not until 1921 that they were separated into the two present towns of Orange and West Haven.

Thus in the course of the years Milford has been gradually reduced from an area of almost sixty square miles to about twenty-five. The change was fundamentally the result of the land-system of the town itself. For it was only because of scattered holdings and far extended divisions of land that the need for local village communities appeared. In three of these, new churches and new town governments eventually were formed. The distribution of property rights in Milford was thus the origin of religious and political organization in her daughter towns. From the adoption of the first church covenant in 1639, through the establishment of the political system and the distribution and occupation of the land, to the creation of the last church parish and town government, the progression was unbroken. And the central link in the chain, binding together the history of the older and the newer towns, was the land-system.

In contrast to some of the early New England settlements, Milford has never become large or wealthy. She has modestly rejected even the semblance of great size

⁹ Named, it is said, in memory of William of Orange, whose accession to the English throne in 1689 led to the downfall of the Dominion of New England and the restoration of the Connecticut charter.

by refusing until now to adopt a city form of government. Her greatest merit, especially to the historian, lies not in her population nor in her fame but rather in the fact that she was and still is a typical Connecticut town. From her first planting she fully represented the ideals and practices which distinguished the Puritan settlements of New England from all other colonizing movements of mankind. Guided as they felt themselves to be by the hand of God, her founders set up in the wilderness a community which welded into one comprehensive system the church, the government, and the land. Primarily the town was a religious body, formed largely about the person of a well-loved pastor and having its birth as a community of souls before the actual settlement took place. It was also founded as an independent political unit, in which the same body of men who composed the church carried on the civil administration. Though they showed a little more tolerance to non-members of the church than did their brethren in New Haven, they still held as the central principle of government the theory that they should "observe and Apply them Selves to the rule of the Written Word of God."

Coördinate with the church and the government was the land-system. The founders set up the principle that the body of covenanting planters should control and distribute the land. Here the godly might receive an earthly reward while those who refused to conform might be kept away by exclusion from a share in the land. With perhaps more worldly motives the heirs of the first planters found means of similarly debarring late-comers from local privileges. In contrast to conditions in other colonies, the control of land in Milford, and generally throughout New England, lay in the hands of the actual inhabitants. As nowhere else, those most vitally affected

could decide all questions in the open forum of town meeting. When they agreed that they needed more land for their growing families, they could set the necessary machinery in motion at once. And they could, and did for many years, take into consideration the individual needs of planters when making these divisions. Their system was perhaps far from perfect. But it represented an effort to attain justice and equality while still leaving full scope for the rewarding of personal ambition and industry. These principles were fundamental in the Puritan attitude toward life, and their application to the land-system was an essential part of the Puritan experiment in New England.

Note

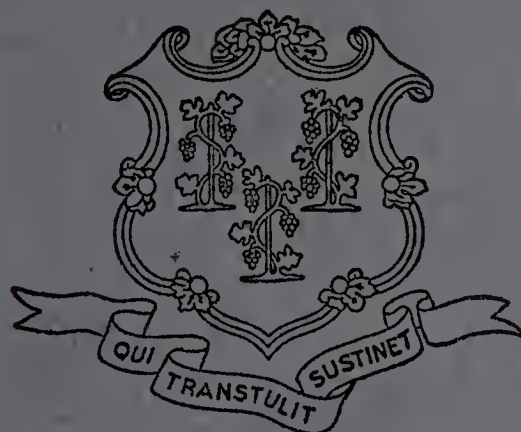
AT the founding of the old New England towns the most important resource at the disposal of the settlers was the soil. Except as commerce and industry might slowly develop, the effective use of the land was the only means through which the community might expand and grow. In this account of early Milford I have avoided the conventional treatment of local history. I have tried instead to trace the development of the town chiefly by describing the steps in the process of dividing and occupying its land. For the most part, I have based my statements upon the manuscript land records and town records in the custody of the town clerk, supplemented by the printed records of the New Haven and Connecticut Colonies. In a very few instances I have had to rely upon the *History of the Colony of New Haven* published in 1838 by Edward R. Lambert, who apparently had access to some manuscript records now lost or destroyed.

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Connecticut History

XIV

TERCENTENARY COMMISSION OF THE
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COMMITTEE ON
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*Roads and Road-Making in Colonial
Connecticut*

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*Roads and Road-Making in Colonial
Connecticut*

ISABEL S. MITCHELL

NATURE and art have here displayed all their treasures. It is really the Paradise of the United States." In such exuberant language did the French traveller, Brissot de Warville, describe Connecticut in the year 1788. His enthusiasm is, perhaps, not surprising, when one stops to consider under what favorable conditions his journey was made. He arrived in the late summer, when everything, even the weather, was at its best. The section that he had the good fortune to see first, was one of the finest in New England, the valley of the Connecticut from Windsor to Middletown. Here, not only was every prospect pleasing, but by an equally happy circumstance he was able to give himself up completely to the enjoyment of the smiling landscape, since the road which he travelled was a good one, indeed the only one in the colony to which this adjective could be applied without danger of the user being accused of hyperbole. To ride easily and comfortably along a comparatively smooth road, instead of jolting and bumping over rocks and stones, as he had done in

Massachusetts, undoubtedly contributed not a little to the pleasant impression he carried back to France with him.

What a contrast to the accounts left by the travellers who chanced to go through the colony by other routes! They contain no such glowing descriptions of the attractions of Connecticut. Instead of rhapsodies over "Nature's display of treasures," we find only unflattering observations on the state of the roads. Lord Adam Gordon, who in 1768, traversed the lovely Greenwoods section famed for its magnificent scenery, left not one reference to its beauty. He was apparently so absorbed in getting to his destination in safety, that he was oblivious to his surroundings, his only comment, significant in its brevity, being that the road from Norfolk was the "worst he had seen in America." Again, the unpleasant experiences of Josiah Quincy of Boston in 1773, when he went by the lower post road to New York, prevented him from even attempting to return by the same route. He wrote in his journal, "I was rather induced to this tour by water [down the Sound to Newport] than through Connecticut, having before been through that colony and my horses being so fatigued by their journey as to render doubtful whether they could reach home by land."

If, almost without exception, every traveller complained about the roads, comparing them unfavorably with those in other colonies, and if to the last decade of the eighteenth century, even the most frequented highways were still poor, it is obvious that the problem of road-making in Connecticut was a hard one.

Not large in area, yet Connecticut includes within its boundaries an almost infinite variety of topographical difficulties. The irregular coast line with tidal rivers cutting deep into the land necessitated the maintaining of

numerous ferries, many of them wide and dangerous. The extremely stony soil of the south made the marking of a distinct and direct route an almost impossible task. The large number of "wild and hazardous" rivers, often overflowing their banks and becoming raging torrents, was a constant source of worry and expense to the towns through which they ran. The five considerable mountain elevations running generally from north to south, forming in some regions distinct ridges such as East and West Rock in New Haven, or other bolder heights such as Bald Mountain near Stafford, and little eminences and spurs such as Mt. Tom thrust themselves in the way of any road that presumed to keep a straight course from east to west. Finally, the Greenwoods section in the northwest with its deep and narrow valleys, jutting cliffs, rugged and precipitous declivities, all thickly covered with dark forests of evergreens, made a well-nigh impenetrable wilderness—only the most intrepid would venture to lay out a road there.

To appreciate fully the task confronting the pioneers, it must be remembered also that the primeval forest through which they had to cut the roads was entirely different from the woodland with which we are now familiar. Instead of open spaces and comparatively small growth, it was filled with giant trees, soaring to a height of a hundred to a hundred and fifty feet and ranging from two to five feet in diameter. Only when a tree reached a diameter of six or eight feet did it attract the attention of travellers. Furthermore the earth was encumbered with fallen logs in all stages of decomposition, over which grew a thicket of vines and underbrush not unlike the barbed wire entanglements in No man's land where "men could not go upright but had to creep through bushes for whole day's marches, and impossible for horses to go at

any time of year." As the moisture evaporated slowly, great swamps and weedy ponds formed where there is now dry land.

Fortunately, the seemingly impenetrable wilderness was, thanks to the Indians, crisscrossed in all directions by a network of trails. These were of material assistance in guiding the colonists in their migrations to new settlements. Yet here their usefulness generally ended, since the transformation of an Indian trail into a white man's highway was not very practical. Its inherent character tended to prevent such appropriation. A sure guide to destination, it was never direct but twisted and turned, now this way and that, doubling back and forth to avoid swamps and marshes, keeping to the high places along the ridges and leading to the easiest fords across the streams. In many places, particularly where the soil was stony, it was scarcely perceptible; while on soft ground it was never more than six inches deep and only twelve to eighteen inches wide. But few trails were widened into bridle paths, while a still smaller number were ultimately made passable for wheeled vehicles.

Since the Indian trails were not adequate, other roads had to be made. These were the "Country Roads" or "King's Highways" for general travel and the town ways for local. The former ran from plantation to plantation while the latter were within the township. They consisted of the "public town ways" laid out for the benefit of the community as a whole, and the "private town ways" made at the request of separate individuals for their own personal use.

To understand the way the road system developed, it is necessary to know the general layout of the townships themselves, as that determined the number and direction of the highways that were made. Almost without excep-

tion, in the center of every town, we find a square, often called a green, or a long, wide street with house lots on either side, each one consisting of a parcel of land, large enough for a house and outbuildings, a garden, and usually an enclosure for feeding cattle and raising corn, and varying in size from a quarter of an acre to ten or even eighteen acres. Near the center of the green a lot was reserved for the meetinghouse, and adjacent to this were the "Sabba' day" houses, where, as well as in the adjoining burying ground, during the welcome interlude between the lengthy sermons, the worthy church-goers gathered for a friendly chat and probably some liquid refreshment. Just beyond, and adjacent to the house lots, came the arable and meadow lands, grouped into large fields, where each proprietor had a strip assigned to him by lot, the amount being in proportion to the size of his home lot. Still farther out were the common or undivided fields and wood lots where the cattle were pastured. As the population grew, lands for home lots were granted at greater and greater distances, until it was not unusual for an occasional dwelling to be as many as ten miles from the center of the town.

In practically all of the townships, when the plot was laid out and the lands in the outlying districts apportioned, a committee was chosen to make the necessary highways. In some, the needs of the settlers and the topography of the country, rather than any formal arrangement, apparently determined where the first roads were to be. The way found most convenient by one would be followed by others until it became a road. This seemed to be the case in Hartford. Whatever their origin, we find that there were always roads leading from the central home lots to the meadows, the pasture, the woods, and the mill. The arrangement was supposed to be such that

each inhabitant could go to any of his holdings without trespassing on his neighbor's property. Unfortunately, the system lacked flexibility. No provision at all was made for the growth of the town, only the needs of a small static community were anticipated. Hence it was inevitable, that with the increase in population, complications should arise. One can imagine the situation. Here is a newcomer whose home lot is near the outskirts of the settlement. Naturally he has to go to his holdings, but his allotments are so encompassed that he is unable to reach them without trespassing on other people's land. What is he to do? He has to take his cattle to pasture, gather his hay in the meadow, and bring it to his barns, he must carry his corn to the mill to be ground and get his supply of wood from the wood lot and every Sabbath he and his family were obliged to go to the meetinghouse. If his neighbors refused to give him the right of way through their property (as they frequently did), his only recourse was to petition the town. Usually such a petition was met by counter petitions from the rest of the community, protesting that the highways desired would cut up their lots into such small pieces that the income therefrom would not equal the cost of fencing. Hence weeks and months often elapsed before any action was taken, while the town considered the merits of the contradictory petitions.

The lack of any adequate provision for roads to keep pace with the growth of the township is well illustrated by the increasing number of petitions for "winter church privileges" and new highways to the meetinghouse. A serious matter in colonial times—attendance at meeting. For not only did a man's escape from eternal damnation depend upon his going there regularly, but he was further liable to a fine by the court, if he were not present, be-

sides being taxed for the support of the church in his own township even though he might attend another more conveniently situated.

In 1732 some petitioners from Lebanon stated that they were four miles from public worship and had to go across "particular men's proprieties as trespassers and through thirteen or fourteen fences and many miry places as well as over bad hills and be troublesome to our neighbors at Windham where we have a good road and nearer for most of us." A certain Squire Hookell in Thompson asked for a way to the meetinghouse because he had to go through twelve pairs of bars before reaching the travelled way; at least six others made a similar request. In 1732, some of the inhabitants of Newington complained that the highways were so "badly contrived" that they were obliged either to tarry at home or go somewhere else to meeting, which was "a great hardship considering the great taxes they pay for the support of the public worship in the parish of Newington." It is interesting to note that all the advertisements in the newspapers of property for sale, stated the distance of the dwelling house from the meetinghouse.

According to a law passed by the General Court in 1643, each town was to have charge of making and mending ways within its own bounds. Hence appeals for new roads were made first to the town, where they were considered in town meeting. If the selectmen decided that the roads requested were necessary, they appointed committees to mark them out in the "most convenient way, taking care to commit as little damage as possible" and to recommend the amount of compensation due those whose property was cut into. In laying a road across a man's farm, they always tried to do the work between plowing and mowing and pasturing. If the persons ag-

grieved were not satisfied with the amount voted, they could appeal to the county court any time within twelve months. If the selectmen refused to lay out the highways requested, those desiring them could take the matter to the county court, the decision of which, in turn, could be set aside by the General Court.

The "private town ways" were, throughout the history of the colony, in charge of the selectmen. Until 1771, if they refused to lay out any private way, no appeal could be made from their decision. But in that year a provision was added to the general highway law, stating that appeals could be made to the county court. If the latter saw fit, it appointed a committee to lay out the desired highway, which, if approved by the court, might then become a public one; if not, it remained private. The expenses for damage to property were borne by those for whose benefit the road had been made and not by the town, and was paid in money or land.

Another duty entrusted to the town governments under the law of 1643 was that of laying out the intertown highways. This method of management proved very unsatisfactory. It was hard to get the towns to coöperate and frequently the roads suffered neglect. Hence in 1702 a change in supervision was effected by giving the matter over to the county court. According to the new law, the county court was to appoint a committee of two or three freeholders of neighboring towns to find out what intertown ways were needed and where they should be made. This having been done, the county sheriff or deputy was to summon a jury to lay them out. If the ways were not satisfactory, they could be set aside by the assembly, as in the case of the town ways. The General Court always appointed the committee to survey a road which was to connect towns in different counties. It also might exer-

cise the same power if petitioned directly by inhabitants of a town. In all cases the towns paid for the sections lying within their own limits. The towns, obviously, did not feel under any obligation in the matter of providing public roads within their precincts, which would join with the King's Highways. In many places there were no connecting roads for years. Yet the inhabitants went quietly about their daily tasks, serenely indifferent to the complaints of travellers who were most seriously inconvenienced by such a state of affairs. They acted as if it were no concern of theirs and did absolutely nothing about it until forced to by the assembly. As late as 1712 travellers from the west to Boston or Providence were most disagreeably surprised when they arrived at the boundary of Plainfield to find no country road running through it.

The highways that were to be so carefully laid out with "as little damage as possible to private men's proprieties" were but wide swaths cut through the forest, rough and uneven, with half buried boulders and tree stumps sticking up here and there. No attempt was made to improve the surface. Instead of piling up gravel in the center, turnpike fashion, or laying a foundation of rubble or stone, they simply cleared it of bushes and the easily removable trees and stumps. Frequently the middle was lower than the sides. Brooks and little creeks flowed through without hindrance, forming mudholes and quagmires. Devices such as culverts for drawing off the water were unthought of. Consequently in winter and spring the roads were well-nigh impassable. If a road was not used constantly, the second growth of bushes and shoots sprang up quickly and these were even harder to clear than the original trees. Often large tree trunks were blown over by the high winds making it impossible for

teams to get by. Drivers always carried axes with them to be ready for such an emergency.

The highways were usually broad, varying from three rods in the country to twenty, twenty-five, or even forty in the towns. Five or six, however, was the usual breadth of all except the main one. The generous width made up for the lack of improvement. When the ruts and holes became too deep in one part, better going could be found in another. The cart tracks wound in and out, back and forth among the stumps and stones, never keeping a straight course for any considerable distance. Like country roads through the woodland today, grass grew everywhere, in the center as well as along the borders, furnishing good pasture for sheep and cattle. Indeed, roads that had been staked out were sometimes ordered cleared for that very purpose, rather than for travel.

Just as the cartwheels made a winding track in the roadway, so the early town ways pursued a similar twisted course through the township. This was due either to the lie of the land or the scattering of the settlement. In the records of Cheshire we read that "all difficulties about rocks, swamps and other impediments the surveyors and sizers shall have power to regulate by turning the highways a little out of a straight course as convenient." Miss Larned describes an eighteenth-century road in Thompson that is typical. "From the south-east section it meandered in a most bewildering manner to the houses and pastures of Phinehas, Ebenezer, and Henry Green, crossing bridges and the upper and lower fordways of the Five Mile River, passing Merrill's barn and improved land on to the old road over Quintasset Brook and so following the same till they turn out to come into the country road, at the southwest corner of Hezekiel Sabin's little orchard, foreshore of the meeting house."

Many of the private ways were "pent," that is, closed at either end with swinging gates, which were paid for by the persons wanting them. The expense was trifling in comparison with the saving in the cost of fencing. Of course, from the standpoint of the traveller, it was a great annoyance to be compelled to open and shut so many gates, especially as they were frequently out of repair.

Not only did the towns have to lay out the roads, but upon them also was placed the entire burden of keeping the roads in repair. By the law of 1643, two surveyors were to be appointed in each town, whose duty it was to call out annually all the able-bodied men between the ages of sixteen and sixty with their teams for one day's labor on the roads, under penalty of five shillings, should they fail to respond. At first no one was exempt. Later, an aristocratic tendency appears in the law of 1672 which excused magistrates, commissioners, ministers, ruling elders, physicians, and schoolmasters. In 1702, constant herdsman, shepherds, and one miller from each gristmill were also excused. To make up possibly for their exemption, slaves, servants, mulattoes, and Indians were later listed among those eligible for work on the highways. The one day's labor called for by law of 1643 proving inadequate, another law was passed in 1650 increasing the number to at least two and as many more as were necessary and imposing a penalty of 2s 6d on any man who refused to obey the summons, and one of 6s for failure to send out a team. The surveyor was held to his duty more strictly by being made liable to the same fine himself, if he neglected to call out any of the inhabitants or to report the names of delinquents to the magistrates. The fines were used to hire other men to work on the roads. In 1679, at which time the General Court officially designated the existing ways from plantation to plantation

as the "Country Roads" or "King's Highways," the towns were ordered to work one day a year on them, clearing them of bushes and underbrush to the width of one rod. The law had little effect. In spite of the severe penalties inflicted for neglect, most of the roads between the towns were in bad condition. In 1684 they were described as "being entangled with dirty slowes, bushes, trees, and stones." By 1739 so many people preferred to pay their fine, rather than do the labor required, that the penalty was increased to 6 shillings a day. Yet such drastic measures were of little avail, since it is human nature not to take seriously "working on the roads." Even the most conscientious will exert themselves as little as possible.

The fact that the early settlers apparently regarded the highways as their own personal property to be used as they saw fit was another reason for their being constantly in need of repairs. That a road was the King's Highway or even, as in some instances, the post road had no restraining effect. The story of their encroachment is long and interesting. If a man needed gravel or stone and there happened to be some that suited him in the middle of the highway, with a cool indifference to the law he carried on his digging wherever his fancy dictated and little cared he how deep or wide the hole that he left. Or if he wanted some timber he did not hesitate to chop down a tree on the roadside, take what he needed, and leave the rest lying where it happened to fall. Again, if it were to his advantage to fence off a portion of the road and use the enclosure for pasturing his sheep or raising tobacco, he promptly did so without the slightest hesitation. Sometimes a householder might prefer to keep his woodpile in the public thoroughfare rather than in his own yard; if so, no scruple held him back from putting it

where he wanted to. In an ordinance passed by the town of Guilford in 1750 we read that "in divers places in the highways or streets of this town, timber and firewood is layed to the great Inconvenience of travellers especially in wet seasons or on Dark nights. Such wood and Timber lying where it is most convenient and necessary for footmen to travel which may be justly esteemed as common nuisance."

What a nuisance the pent ways were, and what a hindrance to legitimate trade the roads where gates and bars were legally permitted, is vividly illustrated by a petition of the inhabitants of Preston and the neighboring towns for a road to Stonington harbor. Every journey, they said, meant the pulling down and replacing forty or fifty pairs of bars. This was bad enough in itself, but when insult was added to injury in the form of their being stopped by the owners of the land, and forced to go back, it was too much to be borne. As a result they were compelled to go several miles out of their way over hills and through swamps, which required double strength to pull their loads. This, it is clear, rendered the carrying on of business almost impracticable, as the cost was vastly increased. To make the journey successfully, they had to take an extra yoke of oxen and an extra hand for every load. Consequently they did not cart nearly as much lumber as they would have done, had there been a regular road.

So widespread was this practice of encroachment, that the General Court was finally compelled to take a hand in the matter. It passed many stringent laws, which, as was usually the case, were recognized more in the breach than in the observance. By the first of these, in 1715, any person obstructing the road had to bear the cost of having it cleared, besides paying a fine of twenty shillings if convicted before a justice. The attempts to enforce this un-

popular law occasioned much trouble. Lawsuit after lawsuit resulted between those who had built the fences and those who pulled them down. Taking advantage of the vague wording of the statutes, many claimed that in fencing off certain portions of the road they were only acting within their rights, since it was the highway that was encroaching on their own private property and not they on the highway.

In Windsor, the selectmen, rendered desperate by the constant bickering and contentions of the inhabitants, as a last resort petitioned the General Court in 1725, to confirm and mark officially roads that had been used twenty, forty, and even sixty years. Not only legal controversies but scenes of violence were not uncommon, in which strong language, resort to fisticuffs, and broken heads all bore evidence to the widespread distaste for this law. The records tell us of a certain John Rall, who, when protested with by the town authorities for building a fence across a road running from the shore along the colony, "did in a violent manner with his hands and attempts with an ax and calling for his sword and gun threatened by force to oppose their passage."

Another factor that made the highway problem difficult, was the necessity of building and keeping in repair safe and adequate bridges. This was especially burdensome because of the large number of wild and tumultuous rivers. The early bridges were built by the inhabitants of the town as a part of their regular highway duty and they were very simple structures usually consisting of two or three hewn logs placed in such a way that horses might pass over. "A strong sufficientt cartt Bridge" which was ordered built across the Little River in Hartford in 1640 was "to be Twelwe footte wide bettwene the Rayles wth Turned Ballesters over the Top."

With the increasing travel and trade in the eighteenth century, the bridges became more elaborate and pretentious. Over the larger streams they had to be constructed so as not to hinder the passing of large vessels and scows laden with hay or timber up and down the river. Some were of quite a respectable length, one in Norwich, built in 1728, being 250 feet long and 20 feet high. Another at the mouth of the Shetucket, referred to as a bridge of "geometry work," was nearly 200 feet long, very costly in timber and framing and expensive in the raising, as it "required many hands hired at great wages, besides vessels with large frames built on them to support the work for the space of one full month." The cost was £4000.

Even though the public bridges were under the supervision of the General Court, yet the townships were required to keep them in repair. Various methods were used to meet the expense of their construction and maintenance. If a river separated two townships, each one had to pay half the expense of bridging it. Even the maintenance of intercolonial bridges was ultimately delegated to the towns, a condition that aroused the most determined opposition. For fourteen years, for example, Stonington refused to pay Connecticut's share of the bridge over the Pawcatuck to Westerly, Rhode Island. Only after the assembly threatened to impose a fine of £300 did she grudgingly submit.

There was one instance where a group of public-spirited men built a bridge at their own expense (Elderkin Bridge over the Shetucket). Frequently private bridges, which were of use to the public were taken over by the assembly, the owner being paid in colony land or money. A rather novel experiment was tried in connection with a bridge over the Farmington River. A group of men divided it into sections, each guaranteeing to build one and

keep it in repair. A section consisted of four posts and one length of timber. A common method adopted by the towns of providing for the upkeep of the bridges was to free certain men from highway service on condition that they look after them. After 1735 the usual way of financing a new bridge was for a man or group of men to subscribe a part or the whole of the required amount, and then get permission from the General Court to collect toll. That privilege was generally granted for a period of ten or twenty years, though it might be perpetual, depending on the cost. When the time had expired, the town had to take it over. At any time a toll bridge could be changed into a free bridge by paying the full price to the builder.

After 1750, the favorite method was the lottery. The scarcity of money, the high cost of living, as well as the gambling instinct account for its popularity. Request after request was sent to the assembly for lotteries to change toll bridges into free ones, repair old ones, and build new ones. Not very many were granted however.

Despite the care used in construction and the money spent, the architects seemed unable to build bridges sufficiently high and strong to withstand the torrents of spring and the ice of winter. Frequently a new bridge needed mending before a year had passed. How often, doubtless, did travellers have experiences similar to those of Madame Knight who, with fear and trembling, had to cross a bridge near Stamford which was "exceeding high and very tottering and of vast length" and another at Norwalk where she "crept over a timber of broken Bridge about 30 foot long and perhaps 50 foot to the water."

Sometimes as many as four bridges were swept away in a single storm. In the spring of 1711, extraordinary floods demolished nearly every bridge in Windham county

leaving not one over the Nachaug, Willimantic, and She-tucket rivers. One can hardly blame the authorities for not wanting to rebuild them. Under such circumstances they often did delay until the General Court, having been bombarded with complaints from irate travellers, forced them to take action in the matter. It was not uncommon, though, after a bridge had been destroyed a discouraging number of times for the town to give up the attempt and to establish a ferry instead.

It is interesting that there is not one bridge today in the whole state of Connecticut that dates back to the colonial period, whereas in England travellers who go to Canterbury still cross the streams by some of the very bridges used by the pilgrims in Chaucer's time.

From the beginning, ferries existed side by side with the bridges, as many of the rivers were too broad to be crossed in any other way. So characteristic and important were they, that to ignore them in a study of Connecticut highways would be like discussing Hamlet with Hamlet left out. Situated on all the great roads through the south and the east they played a significant part in the life of the people.

Hazardous crossings such as "Rope Ferry" at Niantic and the one between Norwalk and Fairfield furnished additional excitement to journeys already well supplied with dramatic incidents. At Niantic, passengers were often delayed by reason of the rope having been carried away or the boat being at the bottom of the river, which happened frequently, since every time the west wind blew, it filled with water and sank. The ferry between Norwalk and Fairfield over the Saugatuck was described by petitioners who wanted a bridge as being not only "hazardous to the lives of travellers but wholly impracticable till the resting of the tide which retards and delays

the travellers intent with urging speed to accomplish his intended journey and many of us witnesses of their sufferings . . . the prince and the peasant plunged into distress and danger in cold and inhospitable seasons." In the winter, the ice made the crossings even more difficult. All travellers were not as fortunate as the Earl of Loudoun who, when he arrived in New Haven from Boston in February, 1757, and learned that the passage across the Stratford River was obstructed with ice, dispatched a messenger over night to have it cleared so that his lordship could pass over in safety.

Unlike the bridges, the ferries were, on the whole, an asset rather than a liability to the towns, where they were located, since they furnished a small but steady income instead of being a continued drain on the treasury.

In 1700 there were nine important ferries, at Hartford, Windsor, Wethersfield, New London, Saybrook, Hadam, Norwich, New Haven, and Stratford. At this time, the first general law applying to all the ferries was enacted by the General Court, fixing rates, and stating other necessary regulations as to equipment, exemptions, rules of carriage, etc. The immediate cause of its passage was, apparently, the flagrant dishonesty of the Saybrook ferryman, who had shortly before been convicted of "dooing a rong to travellers in his ferry employment."

The rates varied at different ferries, those at New London and Saybrook being higher than the others with an additional charge at the latter during December, January, and February, when the crossing was especially difficult. Until 1750 the fares were payable in hard money or county pay, thereafter in proclamation money. The ferrymen were required to provide themselves "with good tight boats sufficient both for largeness, strength,

and steadiness for the safe transportation of travellers and their horses and supplied with oars and other implements and men who are discreet, strong and skilled in rowing." If they lacked the proper equipment they were fined £5.

At the ferry each person had to wait his turn, the only exceptions being public officers, physicians, and midwives. No one could get on the boat against the will of the ferryman, or any assistant, justice of the peace, elder of the church, representative of the general assembly or the majority of the passengers. Should the ferryman so far forget himself as to accept more than the regular fare, he suffered a penalty of 40s for each offense and should he yield to the temptation of overloading his boat he was fined 20s. All had to pay except the postrider, and later, by the law of 1729, the magistrates and deputies, when travelling on public business, went free of charge. The ferrymen grumbled a good deal at being required to make any exemptions, saying that they ought not "by any rules of justice pay and do more for the support of the government than the other subjects." Some ferrymen were given the right to provide entertainment for travellers who could not be accommodated at the inn. The homes of others, to whom such permission was not granted, often became *de facto* taverns, since frequently there was no other shelter in the town for belated wayfarers. The keepers of the larger ferries usually retailed strong drink—a privilege they were eager to get, as it doubtless added materially to their income.

At the beginning of the eighteenth century, nearly seventy years after the founding of the colony you could count on the fingers of one hand the important "country roads." At that time only one of them formed a link in the intercolonial system, the so-called lower post road,

officially stated as passing through the coast towns. It followed the route of the Pequot Path, and was laid out as a result of the establishment of a regular post between Boston and New York. Yet it was not marked with sufficient clearness, in many places, to be easy to find or to follow. Travellers were forced to provide themselves with a guide or run the risk of losing their way.

The oldest road actually planned and formally laid out dates back to 1638 and connected Hartford with Windsor, its course being changed a number of times within a few years. From Hartford ran the so-called "Path" to New Haven, and two others to Farmington and Simsbury, the former continuing on to Waterbury. Woodbury was connected with Stratford and Norwich with New London. The interests of travel and the post largely determined their course. From 1700 to 1750, practically all the roads opened up were east of the Connecticut, their objective being better communication with the markets furnished by Norwich, Stonington, Providence, and Boston. After 1750, the most noticeable development took place in the west. Throughout the eighteenth century, trade, to an even greater degree than travel, seemed to be the motive behind the making of new and the improvement of old highways.

What later became the northern part of Windham county was known to the English in 1635, but it was not until 1686 that the first settlement was made at Woodstock. Seven years after it was founded, a man by the name of Jabez Corbin established a store where he carried on a lucrative trade in deerskin, furs, turpentine, and produce, exchanging them for liquor, ammunition, and other necessities in Boston. His cart drawn by four oxen and four horses was their only means of communication with the outside world. He experienced great difficulty in

making the trip, as his heavily loaded wagon kept breaking down on the rough road between Woodstock and Mendon. A few years later, because of this trade, a new highway was laid out from Enfield through Woodstock to Medfield, Massachusetts. As Providence was a more accessible market than Boston, for this section, efforts were soon made to improve communication thither. In 1691 there was only a crude bridle path running through the forest by way of Killingly and Pomfret toward Providence. Thirty years later it was widened into a cartway. The year it was finished the supervisor of the road used it to import a load of West India goods to his countrymen in Connecticut.

In 1714, the governments of Connecticut and Rhode Island coöperated in making a road from Plainfield to Providence through Coventry, Greenwich, and Warwick. It was to be four and eight rods wide in certain sections for the convenience of loaded carts. Major William Crawford of Providence soon built up a flourishing trade in rum, sugar, molasses, salt, wool, tobacco, and grain, with the towns of northeastern Connecticut along this route. By 1752 it was described as "a great road for travel and trade." Many roads were also being made to Norwich from the towns in its vicinity. Stress was laid on the need of such highways, particularly to the landing place, because of "much carting and other travelling." By 1750 Norwich had become the market town of "several hundred loads in a year." The roads still needed a great deal of improvement, as it sometimes took eight oxen to draw an ordinary load over them.

Stonington too was a center of trade. In 1751 the inhabitants of Preston, Voluntown, and North Stonington petitioned for a road to the harbor, to facilitate the transportation of lumber and other lading. Another important

highway, established in this period, led from Hartford toward Boston through Coventry, Mansfield, Ashford, and Thompson. It was known as the "Middle Road" and much of the travel that had formerly come through Woodstock was deflected to this way. Still another such road wound its way through Killingly, Windham, Colchester, Hebron, and Bolton to Hartford. Middletown was connected with Saybrook, and a way was improved from Durham to Middletown to facilitate the transportation of horses and cattle to the West Indies.

Tucked away in the hills, the tiny settlements in the northwestern part of the colony remained for many years almost entirely isolated from the rest of the world. According to a story current somewhat later, when Cornwall asked to be the county seat, some one remarked jokingly, "Yes, go to Cornwall and you will have no need of a jail, for whoever gets in can never get out again." And Cornwall was the whole section in miniature. The unceasing attempts of the General Court to promote communication through this region after 1750 may be partly explained by the outbreak of the French and Indian War which necessitated the speedy transportation of troops into New York. Yet trade, too, was an equally important factor.

The first highway that came into general use ran from Hartford through Farmington, Harwinton, Litchfield, Goshen, Cornwall, and Canaan and was popularly known as the "high road to Albany." In 1758 since this "road or way often travelled . . . was in many respects ill chosen and unfit for use," the inhabitants petitioned that a new one be made, "more direct and convenient not only for carriages and travelling and for the transportation of troops." The General Court granted their request and in 1761 the committee laid it out four rods wide, with mon-

uments, consisting of heaps of stones eighty rods apart at every single and occasional turn. Despite the complaints, and there were many of them, it was regarded as the wonder of the age, that a direct and practicable route could be found through the Greenwoods. It ran north of the other, through Simsbury, New Hartford, and Norfolk. It was much travelled and proved of great benefit in the transporting of iron pigs from the Salisbury furnaces toward Hartford, yet this trade was hindered because of the poor condition of the road.

In the same year, a new one was granted between Torrington and Norfolk because the proprietors of the surrounding towns complained that the one the committee was contemplating was too far north. According to tradition, this south road was so hard to travel, that the landlord of a certain inn used to detain his guests until after morning worship, so that they might have the benefit of the prayers offered to help them up the "old dug way road west of the present town of Burrville."

"A direct road to New York" ran from Litchfield through New Milford, another, farther south, went from Newtown by way of Danbury. The highways leading to the Hudson were used to a great extent for hauling timber and produce which were to be floated down the river to New York, for sale there or reshipment abroad, a tedious and laborious journey, that diminished materially the profits anticipated. Two attempts to keep this trade within the colony were made in 1761, the first by building a new highway for carts between Canaan and Derby, and the second by petitioning the General Court for a lottery of £300 to free the Housatonic of obstructions as far as the Massachusetts line, so that it could be used for floating down pine logs and be navigable for a two ton load. They argued that it would be to the "unspeakable ease

and benefit of the inhabitants of the western part of the colony, and would increase and facilitate the commerce of the government," and would also "prevent the trade of the western towns being carried on at the Hudson's river, as for a long time it had been for want of removing said obstructions." Besides, it would be of "singular advantage to the towns bordering on the river" since it would "entirely turn the trade of said towns and save it amongst ourselves and be of public advantage to the government." A very potent argument in colonial times. The same commercial rivalry and jealousy existed between the colonies as prevail today among the nations of the world. The lottery was granted, but the scheme proved a failure, hence the trade of western Connecticut continued to go to the Hudson until the building of the Housatonic railroad in the nineteenth century.

At the same time, a concerted movement was being made throughout the colony to straighten the ways that were crooked, re-lay those that were ill chosen, and widen those that had become unfit for use by reason of encroachment. Yet, little was accomplished, and travel continued to be hard. Indeed, so bad was the reputation of the roads, that travellers from Boston who had no reason for visiting intervening settlements, frequently went by land as far as Newport or New London, where they took ship to Oyster Bay and thence through Long Island to New York, or they went all the way by water.

In a colony notorious for its poor roads, to the lower post road, should go, possibly, the unenviable distinction of being one of the worst. Certainly the accounts left by a long line of travellers tend to bear out such a contention. Madame Knight, in 1704, when she made her famous journey from Boston to New York, complained picturesquely of the "stony uneven" surface of the part

through Stonington and was duly thankful that she had a guide to show her the way. It showed little improvement, seventy years later, when Hugh Finley, surveyor of the post roads on the continent, came on a tour of inspection, for he reported that from Stonington to New London it was "past all conception bad" so that from day-break to sunset he was able to make but thirty-three miles. As the road was one continuous bed of rocks, besides being very hilly, it was impossible to ride above four miles an hour and only at that speed, if the rider had a good horse. Finley did find, however, that some sections had been improved. The rocks and mountainous passages which Madame Knight notes, as encumbering the road between Saybrook and New London, no longer existed.

Every traveller, who left any comment concerning the highways, was impressed by the section from Fairfield to the New York border. James Birket in 1750, called it "a most intolerable bad" road, while the last three miles were the "most miserable" he had ever seen, and Hugh Finley agreed with him most heartily when he had finished inspecting it. Even Brissot de Warville in 1788 wrote of the same part "I knew not which to admire most in the driver, his intrepidity or dexterity. I can not conceive how he avoided twenty times dashing the carriage to pieces and how his horses could retain themselves in descending the staircase of rocks . . . One of these is called Horsenecks, a chain of rocks so steep that if a horse should slip the carriage would be thrown into a valley two or three hundred feet."

That the condition of the lower post road was not unique is shown by the following petition for a lottery presented in 1768 to the Rhode Island legislature, "The Great North road leading from Providence through

Plainfield into the internal parts of Connecticut, with which this colony hath great and beneficial intercourse, is very rough and greatly out of repair whereby travellers are fatigued and discouraged; and transportation of heavy goods and commodities from thence into this colony is extremely difficult, to the great detriment of trade; that the legal methods for amending highways will prove insufficient for putting it into good order; it laying through a rugged and uneven country and the inhabitants being generally poor and scattered; if a lottery is granted Connecticut says she will take a great number of tickets and will use great influence to have the roads on their side repaired."

The other great road to Providence was not any better. In 1776 a traveller wrote, "In May, I went to Pomfret thirty six miles in a chaise; the road was so stony and rough, that I could not ride except at a slow walk but very little of the way. I was near two days in going, such was the general state of the roads at that time." According to an interesting tradition of a road out of Killingly, a negro boy belonging to one, J. Danielson, having been sent to Boston with a load of produce made such little progress in a day that he went back home to spend the first night. Even the proverbially easy-going character of the negro would hardly account for such a record.

The same story can be told of the roads through the northwest. Dr. Samuel Holton in June, 1778, went from Boston to Philadelphia by way of Springfield and Hartford. The only road he found in Connecticut which he described as "very good," was the one from Springfield to Hartford. From Hartford to Litchfield the "roads were very bad," while from Litchfield to the New York line they were the "worst he ever saw." Returning by way of New Milford, Woodbury, Waterbury, and Southington,

he reported that all the highways were very bad with the exception of one five mile stretch.

One gets a vivid impression of the agility required of those travelling over some of these roads from a comment of Count Chastellux who went through this region in 1780. He remarked that the Litchfield highways were formed for the "roebuck rather than for laden horses and conveyances," and in going from Canaan to Norfolk "you mount four or five miles continually bounding from one large stone to another, which cross the road and give it a resemblance of stairs."

Most significant in its suggestion as to road conditions in Fairfield county even as late as the early nineteenth century is the statement of the Rev. Samuel Goodrich of Ridgefield, with regard to a proposal that potatoes be raised for sale. He said that "it was not expected the practice would be general since the distance from the market was so great." And the great distance referred to was fourteen miles!

Along the roads went the farmer, taking his produce to market, loaded on clumsy ox carts, or driving his cattle and sheep before him, and along the same roads went the traveller, either plodding wearily on foot or riding on horseback—the method chosen, depending on the state of his pocketbook. Distance or lack of conveyance did not daunt him any more than it does the hitchhiker of today, yet, how different the reasons for their composure. The latter faces a two or three hundred mile journey with equanimity, because he does not expect to have to walk even one mile of the distance, whereas the former knew that if he were to reach his destination he must pace off every single step of the way.

In 1743, Roger Sherman, who at that time was poor, walked from Boston to New Milford, carrying his

shoemaking tools on his back. Whereas, the wealthy Ezra Stiles, went everywhere on his circuit on horseback. He even journeyed to Philadelphia in 1754 in the same fashion. It was not uncommon to see as many as four men with but one horse to carry all of them. They took turns riding, two at a time.

Madame Knight, who herself went on horseback from Boston to New York in 1704, describes in her usual amusing fashion the joys of such a mode of travel. On one stage of her journey she was accompanied by a man and his daughter who were both mounted on a "sorry lean jade" of a horse and as they jogged along the girl lamented with loud groans, "Lawful heart father this bare mare hurts me dingeily." "Poor child," says gaffer, "she use't to serve your mother so." Usually the man sat in the saddle, while the woman perched behind him on a pillion, her feet resting on a narrow wooden platform strapped to the horse—an arrangement designed more for comfort than speed.

There were no stagecoaches, as in Massachusetts and New Jersey, until after the Revolution, and apparently only a few private carriages. The nearest approach at any time to a public stagecoach was the wagon of Captain J. Munson of New Haven. In 1717, the captain obtained the right from the General Court to transport passengers in his wagon, once a month, except in January, February, and March, between New Haven and Hartford. How many people availed themselves of the privilege and whether his venture was a success or not the records fail to reveal.

It was not until 1783 that the first regular line of stages was established between Hartford, Boston, and New Haven. It is interesting to note that when Levi Pease of Somers, earlier in the year, proposed the scheme to a friend

of his in Boston, the latter ridiculed him as a visionary saying "The time *may* come when the public will support a stage between Hartford and Boston, but not in your day or in mine."

There was probably very little travel in any of the colonies until well on in the eighteenth century. Distances seemed so long that people for the most part were content to stay at home. Madame Knight was regarded as having done something stupendous in going alone from Boston to New York in 1704. "Law for mee" exclaimed a young woman, at an inn where she stopped, "what in the world brings You here at this time of night? I never see a woman on the Rode so dreadful late, in all the days of my versall life. Who are You? Where are you going? I'm scared out of my wits."

It is amusing to read that in 1716 the inhabitants of Hartford expressed great dissatisfaction at the settlement of a collegiate school in New Haven because, as they said, it was "so remote, and the "transportation of anything by water so uncertain" and furthermore there was "but little communication between these colonies," that is, Hartford, New London, and New Haven.

The establishment of the regular post between New York and Boston tended to promote travel, as it was one of the duties of the postrider to act as a guide. From 1725 the increase is very marked. Where at the beginning of the century one boat at each ferry had been sufficient, often two and sometimes three became necessary fifty years later. Other improvements, such as the building of wharves for the better accommodation of those using the ferries, are among the strongest indications of the growing amount of communication in the colony. In 1750 there were twenty-six public ferries, an increase of seventeen over the number in 1702.

The addition to the list of rates for sheep, goats, swine, oxen, and neat cattle is also significant as indicating a greater volume in trade. Another proof of the steadily growing travel, particularly after 1740, is found in the large number of new bridges built or requested. Where ferries had sufficed before, bridges were now wanted. The reason, given by those requesting one over the Saugatuck River, was that it "would relieve and remedy so public an inconvenience, in so great a road to so great a market and where is so great connection."

Some of the travel that formerly went by the shore road was being diverted to the middle and upper roads, thus necessitating new ferries across the Connecticut. One was requested at Haddam in 1749, since, as the petitioners said, "of late years a great part of the travellers that used to go by the sea side or road about through the upriver towns have found the middle way . . . to be so much shorter that they choose to use that road." A rather interesting bit of evidence as to travel in the northwestern section is found in a petition on behalf of a tavern keeper in Goshen dated February 13, 1758. Goshen was located on what was popularly known as the "high road to Albany." A certain Noah Waddam had been the regularly licensed innkeeper there for several years and expected to continue to be several years longer, when, much to his astonishment, he learned that he had not been reappointed. The only reason the assembly gave for not doing so was that he had made enough by tavern keeping already. He appealed for a new license on the ground that there was still "great need of more public houses for entertainment in said town and said memorialist is therefore from day to day thronged and crowded with travellers to give them entertainment." The petition was signed by one hundred and forty people of Con-

necticut, Massachusetts, New York, and Rhode Island. A possible explanation of the great number of people is the fact that the French and Indian War was going on, and many of the troops went to Albany by this route. But if that were the cause why does he not mention the necessity of entertaining soldiers, as a reason for asking to be reappointed? It must be remembered also that his was not the only tavern in Goshen.

Another evidence of the growing volume of travel, which must not be overlooked, was the law passed by the General Court in 1767 ordering that milestones at least two feet high be set up by the selectmen of the towns "near the side of the common travelling roads" and on the post roads in every county, marking the distance to the county town.

Now, why was it that in spite of the increase in travel and the many attempts at improvement, the highways continued poor to the end of the colonial period? Why was it that nowhere in the colony was there a single stretch of road that could compare with the one running from Ipswich to Salem in Massachusetts which James Birket described in 1750 as "a Most excellent road made of even, smooth, hard gravel"?

It is true, as we have seen, that the physical features presented unusual difficulties. Yet these in themselves were not sufficient to account for the situation. There were, undoubtedly, other contributing factors, and a very important one, it would seem, was the character of the Connecticut Yankees themselves. So strongly individualistic were they, that neither persons nor towns would coöperate in any enterprise which required the subordination of their own particular rights to the general good of the community unless they could see some immediate benefit to themselves. Self-contained and independent,

they resented any supervision by a higher authority. When the General Court tried to force towns to look after the highways and bridges, it had little success. The town authorities either ignored the orders entirely or carried them out so poorly, that the result was the same, the roads were in a sorry state. In fact just as Connecticut succeeded as a colony in evading more skillfully than any of the other thirteen, the orders of the British crown, so the towns had a like success in relation to the General Court, and nowhere was it greater than in connection with the roads. Hence bad roads discouraged intercourse, lack of intercourse increased isolation, isolation developed independence and a lack of coöperation, which in turn caused the roads to suffer.

Certain powerful incentives to good roads were also conspicuously lacking, manufacturing on a considerable scale, a comfortable and easy means of travel, and finally a large population with plenty of money and leisure. As Connecticut did not possess any of these, having no stage-coaches, practically no manufacturing, and a population of only 242,000 in 1775, she had to wait until the twentieth century to become famous for her excellent highways.

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Connecticut at the
End of the Colonial Period

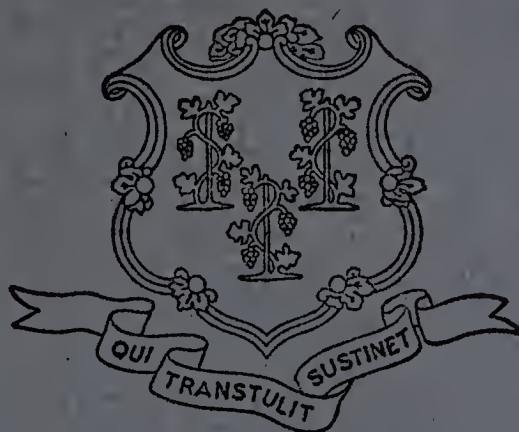


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Connecticut History

XV

TERCENTENARY COMMISSION OF THE
STATE OF CONNECTICUT



COMMITTEE ON
HISTORICAL PUBLICATIONS

Hitchcock Chairs

PUBLISHED FOR THE TERCENTENARY COMMISSION
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TERCENTENARY COMMISSION OF THE STATE OF CONNECTICUT

COMMITTEE ON HISTORICAL PUBLICATIONS

Hitchcock Chairs

MABEL ROBERTS MOORE

ON the west branch of the Farmington River, tucked in near the corners of four towns, Hartland, Colebrook, Winchester, and Barkhamsted, was the little settlement of Hitchcocksville, named in honor of Lambert Hitchcock, maker of the well-known chairs that bear his name.

Lambert Hitchcock was born June 28, 1795, at Cheshire, Connecticut, a son of John Lee Hitchcock, a Revolutionary soldier, who was lost at sea in December, 1801, and a descendant of Matthias Hitchcock, who came from London to Boston on the *Susan and Ellen* in the spring of 1635. In 1639 he was in New Haven, where his name appears among the original signers of the "fundamental agreement made on the 4th of the fowerth moneth, called June, 1639."

In 1818 Lambert Hitchcock, who was a typical Yankee, settled in this little town of Barkhamsted and established a cabinet and chair factory which became the leading industry of the town. At first he made only parts

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of chairs which he shipped in large quantities to Charleston, South Carolina and other points in the South. His business grew from the first, and by 1821 a small settlement had grown up around his factory which was given the name of Hitchcocksville.

After a few years Lambert Hitchcock gave up the shipment of chair parts, and devoted himself exclusively to the making of chairs, and put out a product that he sold in large quantities at a reasonable price. In connection with this young industry it is interesting to know that from 1810 to about 1815 the New York City Directory carried advertisements of "Fancy Chairs," and in 1825 there was a "Master Chair Makers' Society" formed. At the opening of the Erie Canal, in 1825, more than 200 men employed in making "fancy chairs" marched in the parade, carrying banners picturing decorated chairs, with the inscriptions, "By Industry We Thrive," and "Rest for the Weary."

Lambert Hitchcock was probably the originator of the sturdy, distinctive type of chairs that bear his name. The design of the chair is simple, but the same general characteristics are shown in all the many types. The two front legs are strong and firm, and the rung between them is nicely turned, while the rest of the parts are simply made. The backs have a curved top, and a broad, gently curved back-slat, usually with a narrower cross-piece, while the uprights are a continuation of the legs. The seats are wider at the front than at the back, with a rounded edge. There are many variations of these backs. Some with "cut-out" back-slats, which are a rarer type; some with "pillow-top" piece, some with the round and some with the crest or "cut-in" oval, while others show the "turtle back." Two chairs of a type that has not been credited to Hitchcock, one a straight chair and one

a rocker, have recently been found bearing the "L. Hitchcock" stencil, showing a curved back and upright rounds, a style found in kitchens all through Connecticut a hundred years ago. These chairs, which are still in their original condition, are painted black, with slight grainings, with here and there the red of the first coat of paint showing through.

The first Hitchcock chairs probably had the rush seat, but very soon were added the cane and solid wooden seats. These three styles of seats were made for many years, as is proven by the stenciling on the back, and contradicts statements sometimes made that the cane seat was a much later product. At the Hitchcock factory was made a line of the true "Boston" rockers, both the large and small size, as well as the child's tiny Boston, with the rolling seat and rolling crest; also the cradle settees, or Cape Cod rockers, as they were sometimes called—that last word in modern convenience in 1825, when the baby could be placed on a pillow at one end of the settee, while the mother could sit on the other end and attend to her knitting or other work, and gently rock the baby and herself.

Of all the many types of chairs put out by Lambert Hitchcock, probably the rarest of all is the high back arm-chair with rockers, which shows nicely turned legs and rungs, as is characteristic of all of these chairs. The very high back has the "pillow" top round, while the slat below is unusually narrow, as is the slat at the base of the back. These are connected with four beautifully shaped arrow uprights. The arms, like the legs, are strong and robust, and extend below the rush seat; the rockers are short and stubby; the original decorations are conventional, showing softly faded colors in blue, gold, and gray. Lambert Hitchcock was one of the first, and possi-

bly the first, to turn out rocking-chairs as a factory product.

Rocking-chairs were known, of course, much earlier than Hitchcock's time, but there is a family tradition, confirmed by the statement of older people, that up to the time Lambert Hitchcock manufactured chairs, the rockers were a separate item that were added to the straight chair. He put out several different styles of children's chairs. Besides his children's "Bostons," one stout little armchair in the Winchester Historical Society is undecorated, was originally painted brown, and was bought at the Hitchcock factory for "Little Susan," six months old, at the price of fifty cents.

The decorations were one of the features that contributed to the popularity of these chairs. The stenciled designs were many times of the conventionalized fruit and leaf pattern, although we often find a basket of fruit containing pears and plums, or a bunch of grapes with leaves and a rose, and then again a fountain with birds drinking. One of the favorite designs, and a very lovely one, was the "Horn of Plenty," of which Hitchcock used several variations.

On Lambert Hitchcock's chairs, across the back of the seat on the narrow strip, was always placed the stencil of the maker, "L. Hitchcock, Hitchcocksville, Connecticut, Warranted," usually all on one line. Mr. Hitchcock was very particular as to the wood used in his chairs, allowing no knots or any imperfect thing to pass. The "Warranted" implied that they were built on honor, as 100 years of service have proven.

The stencils used were cut from very strong but light weight paper, with a design of very small checks, overlaid by blocks an inch square, whereby the stenciling was easily kept on a straight line.

About 1826 Lambert Hitchcock built a large brick factory, three stories high, with a cupola, which at that time was one of the big buildings of that section. Here in the up-to-date factory was added a large force of workers, 100 or more men, women, and children being employed. The women did all of the decorating of these chairs at a time when there was little work that a woman could do outside the home, although it is known that two women in this little village at this time did "tailoring" for their neighbors. The decorations were applied by using the fingers dipped first in oil, then in dry bronze or gold powder, before the part to be decorated was entirely dry, then rubbing lightly over the stencil, and later touching in the bit of color with a brush. It is said that the tips of the fingers of these women who did the decorating became as hard as boards.

Many children were employed at the factory, putting the first coat of paint on the chairs, which was always a deep red. In many of the well-worn chairs, especially the ones with the wooden seats, this red is often detected.

Business was brisk at the Hitchcocksville factory. The newspapers of the times carried many advertisements by merchants of the popular "Hitchcock chairs, Bamboo, flag and wood seats, warranted well manufactured." All went well with Lambert Hitchcock until about 1828, when the clouds began to gather, and on the twentieth of July, 1829, he was forced into bankruptcy, as a "consequence of repeated losses and misfortunes" with liabilities of \$21,525.31. Of interest is the inventory of the stock, showing the scale on which he had carried on his business. It consisted principally of the following articles: "about fifteen hundred chairs in my factory in Hitchcocksville: about fifteen hundred in the hands of B. Hudson Company, of Hartford: about five hundred in the

hands of Joel Atwater and Sons in New Haven: also large quantities of chairs in different markets for sale. Also five horses, wagons, carriages, harnesses. Also a large quantity of stock for the manufacture of chairs in the hands of the Warden of The State's Prison in Wethersfield: a large quantity of stock, machinery and tools in my chair factory at Hitchcocksville, a large quantity of lumber in and about the same—a large quantity of stock now in Hartford, consisting of cane, oil and paints: also a quantity of flagg in Hartford."

Lambert Hitchcock transferred to Rufus Holmes, Theron Rockwell, Jesse Ives, and William L. Holabird his property in trust. The trustees were to sell, manage, and dispose of the property in a manner most beneficial to his creditors, while he continued to carry on the chair business as agent, with success, for we read in the *Hartford Courant*, under date of November 27, 1832,

"Notice is hereby given that the chair business lately carried on by Lambert Hitchcock as agent is now resumed by him on his own account and responsibility, and that his trustees are no longer interested in or responsible for the same. The subscriber will continue to manufacture chairs, and now has on hand a large and elegant assortment of chairs, made after the latest fashions, and finished in the best manner.

LAMBERT HITCHCOCK

Hitchcocksville, November 17, 1832."

Under the date, July 20, 1828,

"Lambert Hitchcock and Samuel Couch of Barkhamsted, co-partners of the firm of Hitchcock and Couch, being justly indebted and being rendered by misfortunes unable to pay," made assignment to the same trustees as did Lambert Hitchcock, all of their co-partnership effects, "consisting principally of an assortment of dry goods, drugs and medicines lately purchased, and now in the brick building standing in Hitchcocksville nearly opposite the said Hitchcock factory, also a

quantity of lumber and brick purchased for the purpose of rebuilding our store which was recently burned, and one ox cart.

Signed

LAMBERT HITCHCOCK
SAMUEL COUCH."

In the report of the Commissioners on relations of Lambert Hitchcock to the Superior Court of articles "sold for the benefit of the creditors," is a long list of his books, with the prices brought. It is interesting to find that the list includes, Scott's *Napoleon*, three volumes; Johnson's *Lives of the Poets*, three volumes; Boswell's *Johnson*; *Washington's Letters*; Milton's *Poetical Works*, three volumes; *Life of Franklin*; Watt's *On the Mind*; Homer's *Iliad*; Reid *On the Mind*.

Arba Alford, Junior, who had been employed by Lambert Hitchcock from the time he went into business, soon becoming production manager, was taken into partnership, and the business was continued, making the same type of chairs, but the name on the back was changed to "Hitchcock, Alford & Co., Warranted." Mr. Alford attended to the shop, while Mr. Hitchcock spent most of his time selling the products of the factory, travelling much through the South, New England, and the Western states.

Meanwhile Lambert Hitchcock had married, October 30, 1830, one of Hitchcocksville's comely young women, Eunice Alford, a sister of his partner, and one of the five daughters of Arba Alford, who had come from Simsbury in 1795, and settled on the west bank of the Farmington River.

Lambert Hitchcock and his partner built a large house across from the chair factory. This house is of unusual interest, as a solid brick wall divides it, running from the

cellar to the attic, with the rooms on either side identical. On the west side of the house a wing was built for the mother of Eunice Hitchcock and Arba Alford, who had been left a widow in 1823. No doors connect the Hitchcock and Alford homes; only in the wing built for the mother is there any door between the two parts.

In a diary with yellowed leaves, in the quaint phraseology of the time, penned by Eunice Hitchcock from the time of her marriage until her death, some light is thrown on her husband's frequent business trips, and much is written of the love and devotion of this man and woman of a hundred years ago. Under date of June 29, 1831, Eunice Hitchcock writes: "My dear Companion is now gone to Cheshire, his native place, after his mother and I am quite lonely and dejected. He started this morning about 2 o'clock. I feel quite uneasy about him on account of the horse he has gone with, which is quite unsteady." April 29, 1832, we read, "My dear husband has this day started for New York. Expects to be absent some time. I felt quite loath to have him go. We both shed tears." April 30, 1833, she writes, "My husband has again started for New York accompanied by Brother Arba to buy goods for the ensuing season." On June 6 Lambert Hitchcock had been "absent five weeks on business," and Eunice writes "which time I felt very lonely but enjoyed my mind most of the time. On September 5, 1834 moved to Hartford. Had a very comfortable time, though somewhat muddy."

This record of a woman's love and hopes and ambitions was kept up to the night before her death, April 1, 1835, when her last written word was "An acrostic to my Husband," and underneath, in Lambert Hitchcock's beautiful handwriting is, "Eunice died last night." She was taken back to Hitchcocksville, where she sleeps in the





quiet little cemetery near the home where most of her short life of thirty years was lived.

In 1834 Lambert Hitchcock was a representative to the General Assembly from Barkhamsted, and the same year Mr. and Mrs. Hitchcock took up their residence in Hartford, living on Trumbull Street. The diary shows that they left Hitchcocksville in order that Mr. Hitchcock might be near the "center of things" for his business trips, but going often to Hitchcocksville, as the diary shows. By 1832 over one hundred stagecoach lines ran out from Boston, and only a little later twenty-two lines had their headquarters in Hartford; while in 1835 several railroads were opened, and with the well-equipped boat service from Hartford, it was an ideal place for this manufacturer to make his home. Many items in Eunice Hitchcock's diary concerning these trips are of great interest, and show the territory through which he travelled in selling his chairs, and explain why so many "Hitchcocks" are found throughout the country.

Lambert Hitchcock wrote to his partner, under date of October 29, 1835, from Chicago, Illinois.

(Postmarked Chicago, November 3.)

"To Mr. Arba Alford, Hitchcocksville, Connecticut.

Dear friend:

Thursday morning last I arrived in Chicago from Detroit, after a journey of thirteen days, not on the most direct route to this place, but winding through the territory from one point to another at which I wished to stop. My first visit on my arrival was to go to the office for letters. The evening mail which arrives every other day from Detroit brought your letter, and I can assure you I was very glad to receive it. If this letter is as long coming to you, I might about as well bring it myself, for within that time I expect to be pretty well on my way home. The day after I wrote you from Detroit I saddled my pony and without company took my departure

for Chicago." [A description follows, giving the general idea of the country and the different kinds of land in the territory of Michigan, "(about to become a state.)" giving a description of the settlers of that territory, many living in tents, and some living in "covered wagons" until shelter could be built. He writes], "Having rode my pony into the western part of Michigan, his back became so sore I was obliged to sell him. Here I fell in company with two young men merchants from the state of New York, who were also coming on to Chicago. Some part of the distance we came on foot, some of the way by stage, and occasionally we would hire a man to bring us on a few miles." [He writes of meeting Indians on the way, of continuing with his] "companions 'til we arrived in Chicago, the London of the west, as some of the inhabitants call it: a place of considerable business and contains between four and five thousand inhabitants. There are from twenty to twenty-five lawyers, but these study speculation more than speeches. There are twelve physicians, six clergymen and mechanics; a general assortment, among which are three chairmakers. It is not that I feel indifferent to our business at home that I say so little about it in this letter, but I wrote you at considerable length about it from Detroit, and have not much to add at this time. I trust it will receive in all its branches your constant and strict attention." [I am] "to pursue my way down the Illinois River to St. Louis: after staying a few days at that place, expect to return home by way of Cincinnati, Pittsburg and Philadelphia without much delay on the route. My respects to all friends,

Yours truly,

LAMBERT HITCHCOCK"

While on a trip South to sell chairs, Lambert Hitchcock stopped off for a few days in Washington, and under date of December 6, 1841, wrote again to Mr. Arba Alford.

"Dear Sir:

I arrived in Washington from Baltimore last evening and put up at Brown's Hotel. The houses of Congress came together to-day at 12 o'clock, and I have just returned from the

Capital, after spending two or three hours, most of the time in the Senate Chamber." [He speaks of seeing Henry Clay of Kentucky, James Buchanan of Pennsylvania and John Calhoun.]

"About this time one of the doorkeepers came to me and asked if I was a privileged character. I told him I had been informed a state senator would be permitted to remain on the floor of the Senate Chamber. He said 'certainly,' and after taking my name left me in the quiet possession of a seat much more comfortable than a crowded gallery. This gave me a very good opportunity to see and hear what was going on. The meeting of senators seemed very cordial, and there seemed much less of personal feeling among political opponents than might be supposed from the angry tones of their debating." [Monday evening he went to the President's house, with Mr. Smith.] "From the outer door we were conducted into the large hall by a servant. Here we were met by the son of the President, who conducted us into the Drawing Room, and introduced us to the President and Mrs. Tyler, the son's wife, who does the honors of the house, the President's wife being in ill health at this time. I expect to leave for Winchester (S.C.) Wednesday morning. I am in hopes it will not be necessary for me to remain there more than a week, but shall stay as long as a thorough attention to business may seem to require.

Yours truly,

LAMBERT HITCHCOCK"

In 1840 and 1841 Lambert Hitchcock was a state senator from the fifteenth district, which included at that time the towns of Litchfield, Harwinton, New Hartford, Torrington, Winchester, Barkhamsted, and Colebrook.

The firm name of Hitchcock, Alford & Company was kept until the early forties, when Lambert Hitchcock left the firm and went to Unionville, where he continued to manufacture chairs of the same construction and decoration as the Hitchcocksville ones, but these were marked "Lambert Hitchcock, Unionville, Connecticut."

Lambert Hitchcock remarried in 1836, at Cazenovia, New York, Mary Ann Preston, and had three sons and a daughter. One of the sons, Major Henry Preston Hitchcock, born at Hitchcocksville, was a well-known business man of Hartford.

Lambert Hitchcock died in 1852, having manufactured chairs for forty-three years, and in his will requested that Arba Alford, his former partner, should be executor of his estate.

After Mr. Hitchcock left the firm, Arba Alford took into partnership his brother Alfred, where the same type of chairs made by the old firm were put out under the name of Alford & Company. Here, too, in a wing of the factory, Alford & Company conducted a general store.

The chair factory at Hitchcocksville was sold about 1864 to Leroy and Delos Stephens, who manufactured pocket rulers for nearly forty years.

The quiet little town of Hitchcocksville, lying snugly between the hills, where lazily flows the Farmington, was Hitchcocksville until 1866, when because of the similarity of the name of Hotchkissville, the name was changed to Riverton. The Hitchcocksville factory is standing as in the old days, but now houses a rubber factory, while across from it is the lovely old Hitchcock-Alford homestead, with its open fireplaces and brick ovens, a charming home where lives the family of an Alford descendant.



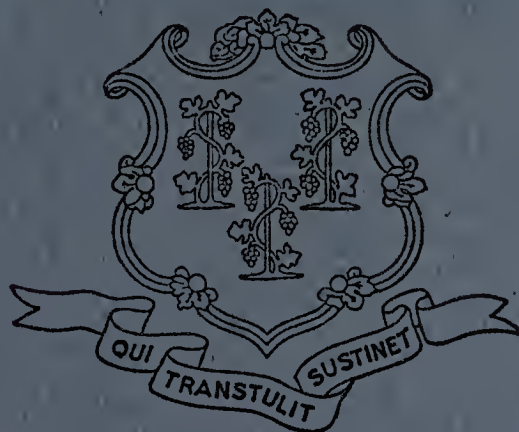
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Connecticut History

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The Rise of Liberalism in Connecticut

1828—1850

(DOUBLE NUMBER)

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TERCENTENARY COMMISSION OF THE STATE OF CONNECTICUT

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The Rise of Liberalism in Connecticut

1828-1850

JARVIS M. MORSE

AT the end of the first quarter of the nineteenth century, the political habits of the Connecticut people were not greatly different from those which had been in evidence forty or fifty years earlier. The state supported a conservative party machine which won elections with little opposition from a weak and unorganized minority, and officials from the governor down to justices of the peace were retained in power year after year. By the middle of the nineteenth century, however, this situation had altered to such an extent that there were two, and sometimes three or four political parties in the field, elections were closely contested, and public officials had ceased to enjoy the long tenures typical of former days. These changes were not brought about by reformers seeking consciously to create a new order; they appeared gradually over a course of years as the result of alterations in more fundamental phases of human existence than those connected with ballots and patronage. Connecticut politics lost their ancient flavor because the economic and social habits of the community took on new forms.

To the casual observer, the most obvious change taking place in early nineteenth-century Connecticut was a shifting in the relative importance of occupations by which the people made their living. During the colonial period, and for many years thereafter, a great majority of the inhabitants were engaged in the pursuit of agriculture; commerce ranked next in importance, and manufacturing held but an insignificant place in the economic order. From 1800 to 1850 the volume of trade carried on by water did not vary greatly, except for a brief decline caused by the War of 1812 and its attendant troubles; vessels sailed out of New Haven in 1820 to carry grain, salt beef and pork, fish, and some manufactured goods to the West Indies, Spain, and Portugal, later to return with cargoes of rum, sugar, fruit, wine, and brandy. Much the same sort of exchange was taking place thirty years later, not only at New Haven but, on a smaller scale, in the ports of New London and Norwich. Even towns located along the Connecticut River as far north as Hartford engaged to some extent in foreign trade, the river being navigable for vessels drawing not over six feet of water. Since the total volume of exports and imports did not materially change from the first part of the nineteenth century to the time of the Civil War, the fluctuations in commerce are not of sufficient importance to deserve consideration as a cause of the evolution taking place in contemporary society.

The situation in regard to agriculture was very different. Strictly speaking, agriculture did not decline during the first half of the nineteenth century, because more farm produce was raised in 1850 than in 1800. At the earlier date fully five-sevenths of the people were engaged in rural pursuits, and until Civil War times, or later, more than half of the inhabitants lived in small

country towns of five thousand population or less. When an elaborate survey of the state was made in 1845, it was found that the yearly output of hay was valued at \$4,212,725, a sum which surpassed the appraisal of cotton and woolen goods, the two most extensive manufactures, by a million dollars. Farming, in other words, did not forfeit its position as a major occupation, but, as the second half of the nineteenth century approached, it was overtaken by manufacturing, to be definitely surpassed by the latter during the decade of the seventies. For the period prior to the Civil War, however, the persistence of rural life helped to preserve habits of thought and action which were conservative in nature, and which did not differ greatly from the customs of colonial days.

In the early nineteenth century, as in the preceding 160 years, Connecticut towns were largely self-sufficient. The fundamental needs of each community were supplied from within or very near its borders; potatoes, rye, oats, and flax were raised on nearly every farm; and on the approach of winter, rural kitchens were festooned with strings of dried apples, shelves were covered with corn, peas, and currants, and cellars were stored with barrels of pork and kegs of hard cider. This condition of self-sufficiency continued for a long time because there was no opportunity to make the change to commercial agriculture. A farmer could not engage in agriculture on a business basis; that is, he could not specialize in the raising of one or two crops to be sold for cash, until there were markets for the surplus not used at home, and Connecticut farmers of the early nineteenth century enjoyed no markets which could absorb quantities of produce. There were no great cities in the state, the largest, New Haven, possessing less than nine thousand people in 1820, and even in this moderate sized city or in Hartford or

Middletown, the needs of non-agricultural groups such as the merchants, doctors, and teachers, were supplied by farmers living in the immediate vicinity. A limited quantity of meat and grain could be sent to New York or exported to the West Indies, but in general there was no sizable market, either in the state or near at hand, which encouraged the farmer to raise more produce than could be consumed at home.

Due in part to this limitation and in part to the innate conservatism of Connecticut farmers, not much was done to make agriculture a scientific occupation. One or two individuals expressed dissatisfaction with the hand-to-mouth existence so common everywhere, but such protests led to no immediate results. David Humphreys, a mill owner as well as a farm enthusiast, popularized the raising of merino sheep, valuable for a superior grade of wool, and in addresses to agricultural societies pleaded for the raising of pure bred stock, and for the intelligent use of manure and fertilizer in preparing fields for seeding. After the death of Humphreys in 1818, Oliver Wolcott, governor of the state from 1817 to 1827, tried to interest the legislature in plans for stimulating rural progress, one of which contemplated the granting of bounties for hemp and mulberry trees, and another would have offered to agricultural societies some financial assistance in meeting the expenses of fairs and cattle shows. The latter suggestion was not seriously entertained by the assembly until 1840, when each county agricultural society was granted from the public treasury a sum of from one to two hundred dollars annually, provided the society would raise an equal amount through membership fees, the funds so procured to be used at the autumn fairs for premiums, in ribbons or cash prizes, for the best exhibits of apples, pumpkins, livestock, and, occasion-

ally, domestic manufactures. In general, however, the legislature did not undertake any comprehensive plan for farm relief, preferring to leave that question to organizations that were not political in nature.

In commenting upon nineteenth-century farm problems, it must be borne in mind that Connecticut was not designed by nature to become a great agricultural community, because only two sections of the state are well adapted to cultivation. One of these areas is a narrow strip of land bordering Long Island Sound, stretching from Stonington on the east to Greenwich on the west, and the other is the upper part of the Connecticut valley, from Middletown north to the boundary of Massachusetts. As for other parts of the state, the soil is good in spots, but in most localities a great deal of artificial cultivation and fertilization is necessary if the crop yield is to be a profitable one. In recent years much has been done with these less favored areas through the application of methods based on accurate knowledge of soil composition, but our ancestors had no such beneficial data at hand, a comprehensive soil map of the state not being available until after 1925, when Dr. William F. Morgan of the Agricultural Experiment Station at New Haven assembled the results of much painstaking fieldwork and laboratory analysis.

Hence the chief obstacle in the way of productivity was poor soil, a handicap which could be alleviated only in part by the use of fertilizers or by scientific methods of cultivation, and at the beginning of the nineteenth century little was known about these subjects. Not until about 1850, in fact, were commercial preparations for assisting crop growth generally employed, so that as late as 1880 the state board of agriculture complained that most farmers tilled the soil in a dull, blind way, knowing

little of the nature of the soil or its wants, so that they overfed good ground and starved the poor, reducing the whole to a state of unproductivity. In view of the Yankee's traditional reputation for inventiveness it is remarkable that no son of Connecticut tried to improve farm industry through the construction of better tools, but local inventors felt, apparently, that greater rewards could be reaped from industrial machinery. It is obvious, at any rate, that the names of the great Connecticut inventors—Eli Whitney, Charles Goodyear, and Samuel Colt—are associated with industrial progress rather than with agriculture, and that innovations in farm machinery, even when introduced elsewhere, were but slowly adopted in our state. The cast-iron plow came into use about 1820, but an efficient potato-digger was not common until 1835; grain drills were not much used until 1840, and mowers and reapers not until after the mid-century.

Although the soil of Connecticut did not offer favorable opportunities for the raising of money-making crops, the land did afford possibilities for sheep and cattle farming. The sheep industry, due to the encouragement it had received from David Humphreys, progressed steadily until 1840, when there were reported to be over four hundred thousand sheep in the state, producing annually about nine hundred thousand pounds of wool, but after this peak was reached the industry declined, partly because of the ravages made by dogs. Fencing of pastures to keep out marauders was then very expensive, as it continued to be until after 1870 when barbed wire was introduced. Efforts were made, beginning about 1835, to improve the cattle industry in the state, in which connection the name of John A. Taintor of Hartford, an importer of Jersey cows is notable, and the movement he

fostered gained momentum until Connecticut became, by 1900, one of the leading dairy states in New England.

Before the time of the Civil War, however, local farmers continued to labor under the two handicaps of poor soil and antiquated methods, and in that discouraging predicament they sought comfort through the medium of clubs and societies. Beginning with the Society for Promoting Agriculture, founded at Wallingford in 1794, farmers' clubs of one sort or another appeared at frequent intervals. The early societies, and many of the later ones as well, endeavored to broaden the amount of information available to farmers, by establishing libraries of agricultural works, and by promoting experiments in the use of fertilizers, and the planting of new seeds, some of which were imported from Europe. The work of the county societies showed to best advantage at the annual fairs and cattle shows, usually held in the month of September. County fairs are so familiar to us that they need little description, but the comments of the *Connecticut Courant* on a Hartford cattle show of 1820 will bear quotation since they illustrate neatly the contemporary opinion on such exhibits:

If to direct the attention of our farmers to discern and distinguish the best species among their domestic animals; to draw forth from obscurity such as excel by the offer of premiums; to render their peculiar excellencies extensively known and capable of benefiting others; to induce their owners, by suitable motives, to preserve only such as possess uncommon excellence, in order that the breed may be constantly in a train of melioration, while the poor and indifferent are consigned to the knife of the butcher, without being permitted to entail their imperfections upon posterity; if these be the objects of importance to an agricultural community, we may aver that much has already been accomplished by the exertions of our infant Society.

County societies were supplemented by other organizations, particularly the "Berkshire Plan" clubs of which Theodore S. Gold of Cornwall was an energetic promoter. The major purposes of these clubs were, as Gold explained, to minister to the wants of the farmer as a human being by improving his powers of conversation, to give him an understanding of the troubles of others, and to create in him a pride in his calling. A club of this sort was founded in West Cornwall in 1842, others appearing shortly thereafter. The members had a very simple organization; they held bi-weekly meetings, of a very informal, friendly sort, at which the men discussed agricultural topics for an hour or so, and then joined the women and children in another hour of pleasant social intercourse, consisting of games and conversation, refreshments being taboo lest rivalry in providing the best supper should become a burden upon the members who took turns in acting as hosts of the gatherings. These clubs struggled valiantly to prevent the "flight from the farm," but in this crusade they met little success, as young men continued to leave the stony hillside acres for the greater promises of reward in manufacturing cities, or on the fertile lands of the West. In one respect, however, the clubs rendered distinct service, because they improved the social life of rural communities, particularly by softening the petty bickerings which so often embitter personal relationships in small towns.

Schools and colleges occasionally took up the burden of promoting science in agriculture. A seminary for young men interested in farming was founded in Derby in 1825, and some time later a similar enterprise was begun by the Gold family in West Cornwall. The Cream Hill School, as this academy was called, opened formally in 1845 with four pupils, an enrollment which subsequently

increased to twenty. The school continued in operation until 1869, offering students courses in soil tillage, stock raising, tree culture, and the preparation of composts, and its tutors made special efforts to inspire young men with a real enthusiasm for farm life. Courses in agricultural chemistry were also given in Connecticut's three colleges—Yale, Trinity, and Wesleyan—so that from an academic or classroom point of view, a great deal was done to improve the prospects of agriculture. The benefits of this instruction could not raise the level of farm science over night; indeed, as new methods of real value began to appear they were accompanied by many vagaries and unsound teachings. About the middle of the century theoretical agriculture was running wild, so that the state finally took steps to bring order out of chaos. Henry A. Dyer, a native of Rhode Island, who had moved into Windham County, promoted the organization of a state agricultural society, incorporated in 1852, and this project was followed in 1866 by a state board of agriculture, of which the energetic farm enthusiast, Theodore S. Gold, was secretary.

All the labor of the town clubs, county societies, and the state board could not prevent many country districts from going to seed. The more enterprising sons of rural families left the old homesteads to search for greater wealth or excitement elsewhere, and this exodus caused once flourishing towns to degenerate into the feeble hamlets of the present day, where travellers can see countless hollows in the ground, overrun with weeds or lilacs, where once were cellars stored with vegetables. Because town representation in the state assembly suffered no curtailment, the decline of country districts worked serious consequences on Connecticut politics. The constitutional provision which guaranteed to every town at least

one representative, and sometimes two, resulted by 1850 in a situation wherein fifty-five per cent of the population, living in small towns of three thousand or less, controlled seventy-six per cent of the members of the lower house in the legislature. This consideration is important to a study of political affairs, for it means that the assembly was dominated by the more conservative elements in society. Assemblymen from small country towns voted down proposals for amending the constitution, refused to support bills for extending aid to philanthropic institutions, and obstructed the governor's attempts to make the executive department a more worthwhile branch of the government than it had been in colonial days.

When the story of agricultural developments is set against that of industrial advancement, the more progressive character of the latter is apparent. Connecticut did not become a highly industrialized state until after the Civil War, but strides in that direction were made during the first half of the century, resulting in political and social changes of first importance. Until 1818, the year in which the constitution was ratified, only thirty-eight manufacturing companies had attained sufficient size to warrant incorporation, and even the greatest of these concerns was small in comparison with modern companies, nearly all of the early factories being capitalized at less than \$100,000 each. Most of the manufacturing plants were scattered widely over the state, being located in small towns or sparsely settled areas wherever water power was available. Manufacturing, moreover, was carried on most extensively of all, in the household, where without going outside the confines of their homes the women carded and spun wool, knit stockings, and wove cloth, and the men puttered away at odd hours in the barn or the toolshed making flails, harrow teeth, and

axe handles. There was very little manufacturing done in plants which could be dignified by the title of factory, although in some towns of eastern Connecticut, such as Norwich and Killingly, there was a flourishing textile industry, and in other towns from New Haven westward a good deal of flour milling. Only a few centers had become noted for the manufacture of articles that were sold in large quantities outside the state; Danbury had acquired a reputation for its hats, and Hamden was the home of Eli Whitney's firearm factory, but with these exceptions the state exhibited in 1818 characteristics wholly rural. The changes of the following decades were due to three factors—the inventiveness of the people, abundant water power, later to be supplanted by steam, and the introduction of improved methods of transportation.

The inventive genius of the Yankee has been much commented upon, especially by foreign visitors to New England during the second quarter of the nineteenth century and, as regards Connecticut, this talent fully deserves the attention accorded to it. The state was not furnished with natural resources which could facilitate, as they did in some other parts of the Union, an easy and spontaneous development of industry. Valuable metals or minerals were present in such small quantities as to be incapable of profitable exploitation; there were no rich deposits of coal or of oil, and only a few beds of iron, the best of which were located in Litchfield County. It was the inventive nature of Connecticut people which assured the state a permanent place in the history of American industry. Michael Chevalier, who visited the state about 1834, said that he met hardly an artisan who had not patented a machine or tool of some sort, and although his statement exaggerated the situation somewhat, it is

noteworthy that between 1821 and 1841 local residents were granted over twenty patents of major importance, including designs for clocks, firearms, gas lighting fixtures, and the telegraph.

During the middle years of the century the state gained notoriety for the manufacture of special articles, four of which are still intimately associated with Connecticut enterprise. One of these special lines of manufacture was the making of clocks, an industry which received its first impetus from Eli Terry who, shortly before 1800, opened a small shop in the town of Plymouth, near Waterbury. Terry had learned while still a young boy how to make clocks by hand, cutting out cogs and wheels with such simple tools as a jackknife and an ordinary saw. At Plymouth he perfected machinery, run by water power, which could turn out parts in such quantities as to permit the assembling of ten thousand clocks a year. Terry was followed by Seth Thomas and Chauncey Jerome, both of whom learned the trade as his pupils, later to branch out in business for themselves. Jerome made one of the most important advances in the history of clock-making industry when he found it feasible to cut or stamp parts from sheet brass, and his machine-made brass clocks could be sold for five dollars or less, a price within the reach of moderate pocketbooks, and a marked reduction from the twenty dollars that had been charged for a first-class wooden product. Due to the pioneering work of these men the primacy of Connecticut in the clock business was established, never to be seriously challenged.

The other three enterprises which were so well grounded by 1850 as to remain permanently associated with the name of the state are the manufacture of brassware, silverware, and firearms. All of these lines depended, for

initial success, upon the work of inventively inclined business men—the Scovills, Israel Coe, the Rogers brothers, and Samuel Colt—and no one of these industries could have been expanded to large proportions had it not been possible to ship into the state quantities of raw material and to send out again, cheaply, the finished articles. Hence it was the improvement in transportation facilities that made possible Connecticut's emergence from the household industry stage to factory manufacture on an extensive scale.

In the early nineteenth century, transportation by land was facilitated by a system of turnpike roads. Beginning in 1792 the state had granted to private companies stretches of highway, averaging eight to ten miles in length, which the companies agreed to keep in good condition through funds derived from charges collected at tollgates four or five miles apart. Public interests in the highways were secured by boards of commissioners appointed annually by the legislature, and toll charges were also fixed by the assembly. Travelling conditions over the turnpike roads were reasonably good, except during bad storms or spring thaws, but as no Connecticut roads were given a crushed stone, or macadam surface until the middle of the century, they did not stand up well under heavy loads, such as the wagons of ore which brass manufacturers in Waterbury had to transport to their mills from the seaboard.

Transportation by water was given considerable attention in the early years of the century. The towns on Long Island Sound were connected with each other, and with New York City, by lines of sailing packets which gradually gave way to steamboat companies. At least a dozen steamboats were in commission by 1820, and after that year the number increased rapidly. Navigation of

the Connecticut River was improved by the Union Company, founded in 1800. This company was charged with the work of maintaining a channel at least six feet in depth between Hartford and Middletown, and by 1806 it had completed enough of its contract to begin the collection of tolls on vessels using that stretch of the river. The company continued in existence to 1866, although it made only small annual profits after 1838 when river freight was diverted to the railroad lines then being opened.

Connecticut did not share to a great extent in the canal building fever which infected so many of the states during the second quarter of the century. The only ambitious project undertaken was that of constructing a canal from New Haven northward through Farmington, then to the Massachusetts line, whence it was to be continued by another company into Northampton. A section of the canal was opened to traffic in June, 1828, and with the completion of the remainder shortly thereafter the canal enjoyed a fairly sizable volume of freight for seven or eight years. Until the advent of railroads, which absorbed canal traffic along with much of that carried on over local riverways, the Farmington Company brought to towns of the west-central part of the state, especially to Bristol and Avon, facilities for transportation which were much cheaper than those afforded by the turnpike roads. Eventually the canal was metamorphosed into a railroad company, the Northampton, which constructed a steam line over the route previously followed by the canal.

Turnpikes and waterways made some improvements in local transportation, and also accustomed people to the expenditure of large sums of money for public purposes, but the greatest advancement in methods of con-

veyance came with the building of railroads. The state lent considerable assistance to the planning of rail lines through its accumulation of data from geologic surveys. In 1835 Governor Edwards secured from the legislature an appropriation of \$100,000 to finance a geological and mineralogical survey of the state, the work being subsequently entrusted to James G. Percival and Charles U. Shepard. Further appropriations were made in later years, so that Shepard was able to submit a comprehensive report on mineralogy and natural resources in 1837, and Percival a report on geology in 1842.

While this work was going on the first railroads were begun. Three companies were incorporated in 1832, and of these the New York and Stonington was the first to operate trains over a small section of its line from Stonington east to the Rhode Island boundary, whence it was continued by another company into Providence. Inauguration ceremonies attended by the mayor of Providence, Governor Edwards, and various railroad officials, took place in November, 1837, and by the middle of the century other railway lines had been laid connecting New Haven with New York, with Hartford, and with Springfield, Massachusetts. These roads made possible the great expansion of Connecticut industry, for it was henceforth feasible to ship into the state, at reasonable freight rates, quantities of raw materials—coal, iron, copper, and zinc—and to send out again the manufactured goods—brassware, firearms, paper, and textiles—which could be retailed over wide areas throughout the Union. Since the development of Connecticut as a manufacturing state had to wait upon the construction of railways, the latter did not dominate the life of the community until after the Civil War, though the industrial trend could be clearly seen by 1850. Manufacturing con-

cerns were becoming larger, as witnessed by the figures relating to capitalization of factories. An incorporation at \$100,000 was exceptional in 1820, whereas many companies by 1850 were capitalized at \$1,000,000 or over. The employment rolls were also lengthening, although as late as 1845 a large number of factories turning out silverware, boots and shoes, garments, and hats, were in reality small shops run by four or five laborers and a master workman. According to an industrial survey, the results of which were published in 1846, about thirty thousand people, or less than ten per cent of the total population, were directly engaged in manufacturing, and the average employment roll for all factories in the state was not much over twenty persons each, but after 1855, with the establishment of the Colt Arms Company which came to employ seven hundred workers, the state could boast of a truly modern factory.

Since a small percentage of the total population was directly concerned with manufacturing pursuits there did not develop, during the first half of the century, a laboring class which possessed interests distinct from those held by the community in general, and this absence of a labor party both in business and in politics may have retarded the introduction of liberal legislation secured by such parties in other states, but statutes limiting hours of work, abolishing imprisonment for debt, and encouraging improvements in education—the main objects sought by other societies of mechanics in New England—were obtained in Connecticut without special pleading. The state, furthermore, was relatively free from labor quarrels of the kind that frequently distress all manufacturing communities at the present day. Only one notable controversy disturbed the peace of early times. In 1833, about seventy weavers employed by the

Thompsonville Carpet Company asked for an increase in the rate of wages granted them for piecework, and when unable to come to terms with the company they were locked out of the plant. Most of the workers were obliged to return to their jobs within a month, as they had few funds to tide them over a long period of unemployment and were threatened with eviction from the company-controlled boarding houses where most of them lived. The results of the contest were inconclusive, however, the company claiming a victory because the men returned to work at the old rates, and the workers claiming success on another score, since a suit brought against them for conspiracy to injure the employer's profits, was decided by the courts in favor of the defendants. The controversy showed that labor organizations had made little headway in the state, a result which was in no small degree due to the fact that local employers were reasonable and humane men who took conscientious thought for the welfare of their workers.

Legislation benefiting the workingmen as a group was enacted from time to time by the general assembly in response to an enlightened sentiment prevailing in the community. The liberal advancement, it must be admitted, came about slowly. In 1822, Governor Wolcott called attention to the need for a mechanics' lien law, since statutes then in force regulating court procedure in suits for the recovery of wages often worked to the advantage of the defendant. Whenever a carpenter or a mason was obliged to bring suit for sums due him on construction or repair work, he had to post a bond sufficient to cover the court expenses should the case go against him; hence Wolcott asked for a lien law which would enable contractors to have an attachment placed on a building whenever wages for its construction or remodeling were

in arrears, but no action on this proposal was forthcoming for several years. Not until 1836 was the first of several laws passed permitting contractors to employ, without excessive cost, legal assistance in securing overdue wages.

At about this time a more widesweeping measure of relief was extended to the workingman in the form of enlightened regulations for proceedings in bankruptcy. Early debtor laws in this country, following English precedents, had rendered the debtor liable to imprisonment for obligations of very insignificant amounts. Beginning in the second decade of the nineteenth century, such imprisonment was restricted in several states of the Union, including New York, New Hampshire, Vermont, and Pennsylvania. In 1826 women were freed from imprisonment for debt in Connecticut, and eleven years later a similar concession was extended to men. The law of 1837 abolished imprisonment for a debt which did not involve fraud, misconduct, breach of promise, or inability to pay a fine, so that honest workingmen who had failed in business through misfortune were given a chance to make a fresh start in life, an opportunity to continue at work so as to benefit both themselves and their creditors.

Legislative relief for the working classes did not extend much beyond modifications in the attachment and the debtor laws. With the growth of corporations, to be sure, philanthropists became much exercised over the obligations which business concerns should assume for the public welfare; many people hoped to have the state compel corporations to care for the moral as well as the physical health of their employees, by providing laborers with homes which would not only afford hygienic living conditions but space for privacy and secret vocal prayer. Others asserted that business companies should contrib-

ute heavily to the support of schools, libraries, and churches. Contemporary lawmakers did not take kindly to suggestions of this sort, preferring to let the doctrine of *laissez faire* regulate not only business competition but the relations between labor and capital, and until the second half of the century little was done to secure state control of hours of labor, working conditions in factories, or the exploitation of women and children, except that a law of 1842 forbade the employment, in textile mills, of anyone under fourteen years of age for more than ten hours a day. In the absence of state regulations, workingmen turned to fraternal or coöperative societies for aid. There appeared in 1807, in New Haven, a Society of Mechanics, which built up a fund of \$10,000, from which loans could be made to young apprentices and gifts extended to local benevolences. Organizations of the same sort were later founded in Hartford, Middletown, Norwich, and Danbury, and if few of these accumulated large treasuries, they did provide members with intellectual benefits through small but well chosen libraries. The expansion of railroad transportation and mill industry thus worked many changes in Connecticut economic life, because the new business order brought people into intimate contact with outside communities, and hastened the breaking down of the old self-sufficient and ultra-conservative habits typical of the eighteenth century. The influence of these economic forces can also be traced in many social institutions of the period, as expanding industrialism brought in its wake a liberal trend.

In the early nineteenth century the Congregational church was the dominant sect in Connecticut, which through Calvinistic teachings imbued the people with an overpowering sense of the greatness of God and of His

wrath against those who ignored His will. The nineteenth-century state was, indeed, a direct descendant of Puritan ancestors, and it was still swayed by the stern ideals of the colonial founders, so that the political upheaval which resulted in the constitutional reforms of 1818 had no permanent effect on a people who viewed all earthly events as a direct expression of divine purpose. The political revolution worked no lasting derangement in the ecclesiastical atmosphere of the state; Bible reading was retained as a customary family exercise in the morning; and the Puritan ideal of Sabbath observance was, in law at least, little altered until the second half of the century. Belief in a personal and omnipresent God suffered no diminution—it permeated all ranks of society and influenced all ages, so that children still in their teens could, after the manner of Ignatius Loyola, contemplate the physical horrors of death, the grave and dissolution, as a kindly reminder of the necessity for cultivating an upright life.

How awful a state of suspense [wrote one of these devout young people] when a friend lies upon the bed of death, torn by racking pains and expecting that each moment will be their last. Lying upon the brink of the grave, looking forward to the last gasp with terror, her parents and friends standing over her watching to catch the least glimpse of hope that will continue their daughter and friend to them a little longer . . . this King of Terrors . . . has pierced his victim and she yields up her life without a groan . . . she too has gone to swell the congregation of the dead. Yes, the delight of all hearts . . . is torn from us by the insatiate *Monster* Death.

The Congregational church was the dominant church in 1800 and in 1850 as well, though the half century intervening witnessed a few changes in its status. The constitution of 1818 deprived Congregationalism of its official connection with the state, so that it was thereafter

forced to rely entirely upon its own resources for financial and spiritual support. A temporary feeling of despondency which followed the end of state assistance was soon overcome by a wave of revivalism, repetitions of which appeared at regular intervals for several decades. The first revival took place between 1819 and 1822, and was led by that tireless preacher of Litchfield, Lyman Beecher. Churches in the latter town, and in all parts of the state, doubled and sometimes trebled their membership, and religious meetings were held three or four times a week. In many ways the revival was a repetition of the Great Awakening of 1740, and there were in some parishes old people who could remember the days when Jonathan Edwards had preached on sinners in the hands of an angry God.

The encouraging results of this first revival freed Congregationalists from misgivings lest the termination of state support should bring about a permanent decline in their order. Later revivals were inspired by a different apprehension. The steady growth of other sects—especially the Methodists and the Baptists—and the introduction of Unitarianism, compelled the older church to strengthen its guard against proselytizing. Unitarianism had originated about 1785 in Boston, to the neighborhood of which city it was still confined in 1820, but shortly thereafter anti-Trinitarian preachers entered Connecticut and began the establishment of regular congregations and churches. The movement made little headway, however; it was fiercely attacked by Lyman Beecher, who discovered as early as 1826 that the Calvinistic soil of Connecticut was not conducive to the growth of the strange vine, so that he left the state to attack the heresy in its stronghold around Boston. The Congregationalists were not again much troubled by the advent of a new sect until

about the middle of the century. Although there had probably been a few Roman Catholics in the state in the early years of the nineteenth century, the number of those owing allegiance to the Pope was so small as to cause little concern. Several Roman Catholic families began to appear about 1820, but not until after the great Irish immigration of the forties did the Roman Catholic church become a serious contender for numerical supremacy among the local sects.

The revival movements in the Congregational church, which were begun as a campaign against the influence of "popular" or evangelical sects, resulted in a liberalizing of the Congregational clergy itself. Old style ministers viewed with distaste the mode of preaching typical of Baptist or Methodist ministers, but they were forced to admit its effectiveness in touching the emotions of hundreds who remained cold to the austere theological sermons delivered from the average Congregational pulpit. Lyman Beecher urged his fellow ministers to abandon some of their customary restraint. "Much as I am disgusted with artificial eloquence," he said, "I am still more disgusted with learned dullness. If a man has no feeling, let him not attempt to preach. If he have feeling, let him show it. Since animated noise will accomplish so much without either ideas, piety, or learning, it is a shame that good sense, piety, and learning should be set at naught and rivalled by superficial flippancy."

Beecher convinced a number of Congregational clergymen to abandon dogmatic theology as the chief ingredient of Sunday sermons, and preachers of the new order, which may be said to have arisen about 1830, developed a broader and more sympathetic outlook on human problems than had been customary in preceding generations. One of the most notable of the new school was

Joel Hawes, pastor of the First Church in Hartford, who preached sermons to young people, especially young men, dealing with everyday problems such as the necessity for developing good personal habits, intelligence, and an interest in public affairs. Preaching of this sort was encouraged by several contemporaries of Hawes—Dr. Nathaniel Taylor of the Yale Divinity School and the Rev. Horace Bushnell of Hartford—and the result was a discernible improvement in the influence of Congregational ministers over the daily life of their parishioners.

Connecticut did not prove to be favorable ground for the propagation of new sects, so that the many innovations in religious teaching which appeared elsewhere during the unsettled years of the thirties and forties met little encouragement in the Puritan commonwealth. The teachings of William Miller, for example, or of Alexander Campbell, or Joseph Smith, made no impression on the mass of the people. When in 1845 the Mormons, then about to leave Nauvoo, Illinois, asked if they could find an asylum from persecution in Connecticut, the general assembly replied that good citizens did not need an asylum. Only one of the unique experiments in religious socialism found temporary lodgment in the state, this exception being the small Perfectionist colony at Wallingford.

The religious history of the middle years of the nineteenth century concerns itself with a steady expansion of churches which had been organized many generations previously. The Episcopal church, which ranked next to the Congregational in respect to wealth and prestige, grew steadily in numbers after 1800 until it embraced, in 1850, about nine thousand communicants. At the latter date this sect was surpassed in membership not only by the Congregational but by the Methodist and the Baptist

organizations—estimates of the mid-century account for thirty-five thousand Congregational church members and for about the same number of Methodists and Baptists combined. The Episcopalians and Methodists became interested in college work, founding local institutions of their own to supplement the work of Yale, the established Congregational center of higher learning. Washington College, later called Trinity, was founded by Episcopalian interests at Hartford in 1823, and Wesleyan, at Middletown, by the Methodists in 1831.

These new colleges, although established for religious reasons, did not specialize in religious teachings, and the liberalism which appeared in their curriculum requirements influenced the older Connecticut college to give up some of its emphasis on theological and classical studies. Bishop Brownell, the first president of Washington College, stressed the importance of “practicality” in education, a policy which placed great weight on such subjects as surveying and natural science. Willbur Fisk, president of Wesleyan, also promoted the study of non-classical subjects, such as chemistry, geology, and mineralogy. After some hesitation Yale accepted this new trend in education; chemistry was made a popular study through the work of the elder Benjamin Silliman, who used to conduct experiments in a cellar some fifteen feet underground where his mixtures and decoctions could do little damage in case of explosions. During the administration of Theodore Dwight Woolsey, who became president in 1846, a school of chemistry was built around the courses offered by the younger Silliman and John P. Norton, the latter giving instruction in agriculture and soil chemistry. It was from this beginning that the Sheffield Scientific School, an independent unit allied to Yale College, later developed.

In so far as college curricula were concerned, sectarian rivalry had some influence on the broadening of Connecticut's educational system, but in other respects it did not make for a breaking down of conservative social habits. One of the important denominational churches was closely allied with the Congregational during the first part of the century, due to the terms of union, adopted in 1800, which permitted Congregational and Presbyterian churches to work together in settlements where separate parishes would have been undesirable. This interchangeable system, however, was not so much designed for Connecticut as for more sparsely populated districts in the West, in New York State, and the Ohio valley, where small towns were better served by one minister, whether Congregational or Presbyterian, than by two.

For various reasons the Methodist church, and also the Baptist, was frowned upon by the older sects; ministers of the former persuasion, especially, were subjected to criticism because many had been little trained in theology. The evangelistic sermons conducted by John N. Maffit, and the camp meetings common in Methodist circles, were very offensive to orthodox Calvinists. The Baptists were censured because their preachers knew so little theology, and also because they practiced the rite of public baptism by immersion, a novelty which attracted a motley crowd of curious and not always respectful spectators. Yet it cannot be said that either of these sects tended, as contemporary critics claimed, to cause any loosening of moral conduct; individual Methodists and Baptists were humble, modest persons, upright in their private lives, and possessed of as high a regard for the general good of society as were their Congregational detractors.

After the political revolution of 1818, the sectarian

rivalry which had been very bitter, tended to subside, and with the growing complexity of city life the Protestant churches began to coöperate with greater harmony in order that all could work toward the solution of social problems springing up about them. Church people of all denominations became increasingly interested in organized philanthropy, prison reform, temperance, and other questions which demanded the attention once devoted to doctrinal differences. A signal example of interdenominational coöperation may be seen in the Sunday School movement. The idea of a Sabbath Day school for young people was developed in England in the late eighteenth century, brought to this country by the Methodists, and taken up in Connecticut by Joseph Bellamy, a Congregational minister in the town of Bethlehem. Bellamy organized informal classes of young people, holding some of the meetings out-of-doors, and at these pleasant gatherings under the trees of the church green the members studied not only the Bible but contemporary social problems. Sunday Schools multiplied rapidly in the Congregational church during the period of religious uncertainty between 1816 and 1818, and after the latter year continued to increase because of the need for giving children the religious instruction that was being dropped from the common or public schools. In 1824 the Connecticut Sunday School Union was established, with Dr. Nathaniel Taylor as president, an organization that embraced the schools in three denominations, the Congregational, Methodist, and Baptist. By the time of the Civil War there were estimated to be nearly a thousand Sunday Schools in the state.

The churches were able to maintain, until the latter half of the century, the strict Sabbath Day observance which had been a typical feature of Puritan rule in

colonial days. Early statutes had not only forbidden servile labor, gaming, and travel on Sunday, but also recreation of a sort which would today be considered quite harmless. Very few changes were made in the Sabbath laws for a half century following the Revolutionary War, though in 1818 the restriction on Sunday travel was so modified as to permit the transportation of the United States mail, and in 1833 the prohibitions on recreation were lifted from Thanksgiving and Fast days. In other respects the public statutes reflected the views of that notable clergyman, Lyman Beecher, who declared in 1819 that one of the cardinal duties of a Christian was to preserve the Sabbath and uphold the public worship of God. Undoubtedly there was some laxity in the enforcement of the law—ministers frequently complained of too much driving or walking about on the Sabbath—but public opinion generally supported the statutes.

Some progress was made before 1850 toward a breaking down of the Puritan prejudice against theatrical performances and other forms of commercial entertainment. Dramatic shows were occasionally given *sub rosa*, as shown by the sprightly memoirs of Gurdon W. Russell, published under the title of "*Up Neck*" in 1825. The author relates how, as a boy, he paid twelve and one-half cents for admission to a wooden shed behind a tavern, where a swashbuckling play was in progress, with the hero slashing away with a great sword, but Master Russell did not witness the last act because the city magistrates broke in and carried the players off to jail. Exhibitions of animals were sometimes permitted in spite of the general prejudice against circuses, this concession being made on the theory that the sight of caged lions and elephants would inspire children with a love for the study of natural history. Young people were not,

however, expected to develop a taste for circuses or dramatics as entertainments good in themselves, and on occasions sober citizens testified to the fact, or supposition, that students flocked to Connecticut academies and colleges because the community was free from the degrading influences of such performances.

In 1837 appeared the first evidence of a sentiment in favor of more liberal circus laws, when a thousand citizens of Hartford, including such respectable people as Judge William Hamersley and Bishop Brownell, declared that it was ridiculous for Connecticut to outlaw theatrical entertainments which were not only condoned but encouraged in almost every other state of the Union, and in all civilized nations of the world. The theater laws, however, remained unchanged for a quarter century more. Amusement had to be sought in its unorganized or non-commercial forms; people made merry at births and marriages, and served lavish refreshments at funerals. Much attention was paid to music, as young people flocked into church choirs or, with their elders, formed stringed quartets and orchestras. The nineteenth-century counterparts of our modern charity balls were diverting also, and the Ladies Aid Fairs, at which some entertainment was mixed with philanthropy, afforded a respite from the routine of daily affairs. Dr. Cogswell of the Hartford Retreat has left an amusing account of a fair given in 1830 for the benefit of poor female children. The sale, he noted, was held in a room over a market, and it embraced useful articles from jellies and custards to aprons which were hawked by matronly ladies who urged their wares so persistently that no one could refuse to buy. The best time, he added, came in the evening, when the room was beautifully illumined with soft candlelight, which caused female countenances to

shine with real brilliancy, so that the ordinary became comely, and the beautiful beautiful indeed!

Movements in the direction of liberalism were more pronounced in the educational than in the religious sphere, and in connection with the changes in college curricula, previously noted, it is significant to observe that there were sporadic demands for a reform in public school-teaching. Connecticut was proud of its common school system, which had originated in the middle of the seventeenth century, a law of 1650 ordering that the town selectmen insist upon the education of all children, either by their parents or by hired teachers. In the course of a century following this enactment a comprehensive system was elaborated, the state being divided into school societies, which were subdivided into districts. Within each district was a single school, presided over by one teacher, and the several districts within the limits of a society were supervised by the taxpayers of the region, called together from time to time in assemblies similar to the regular town meetings. This system allowed great freedom of local action, as the state exercised over it little supervision other than an occasional scrutiny of expenditures to insure a proper use of the public money advanced from either the state treasury or from the income of the permanent School Fund. A system of this sort was suited to the needs of a sparsely settled agricultural community, and it functioned well until the rise of cities produced districts in which the number of children was too great to be effectively cared for by one teacher. Unfortunately the men in small communities did not keep in touch with the progressive methods of instruction which were advanced in Europe, particularly in Switzerland and Prussia, and were being adapted to American usage in Massachusetts, New York, and Pennsylvania.

Soon after 1818, Governor Wolcott began to importune the legislature for the passage of new school laws, but he made little impression on the lawmakers, a majority of whom were country people. Not for twenty years or so was the school situation brought home to the public through the work of Henry Barnard. In the meantime, groups of public-spirited citizens tried to work some improvement through unofficial devices; a Society for the Improvement of Common Schools was founded in 1829, under the auspices of which were held lectures and conventions for the discussion of educational topics. As a result of one such meeting held in Hartford in November, 1830, a concise statement of defects in the school system was agreed upon, the charges being five in number: (1) that parents were indifferent to the kind of education their children received (2) that school visitors in the societies neglected their duty (3) that the state School Fund tended to stifle local initiative in education (4) that teachers were shifted about from one school to another too frequently (5) and that teachers were paid salaries so small as to discourage talented young people from entering the profession.

In reviewing these charges it is apparent that the last two apply to the teaching profession more or less in all times and at all places, and hence are not peculiar to nineteenth-century Connecticut, but the remaining items stand in need of further explanation. The public indifference which so bothered school reformers was largely the outcome of a situation which had originally been created for the purpose of placing elementary education on a favored plane, where it would never suffer from neglect. In 1795, as a result of Connecticut's claims to western lands, the state had been enabled to build up a permanent fund, the income from which was devoted

to the support of elementary education. Since 1810 the fund had been ably managed by James Hillhouse of New Haven, and the annual dividends had averaged over \$50,000. After 1820, in fact, the returns rose to more than \$62,000, so that the legislature voted to discontinue grants from the state treasury to local school societies, leaving the latter wholly dependent on the fund income unless they chose to raise additional revenue from local taxation, and since few of the societies availed themselves of the privilege of laying taxes the public schools were supported almost entirely by the permanent fund. This situation did not produce the happy results expected of it, because when the people were freed from any tax burden in connection with education they lost interest in the subject, a natural outcome of the human tendency to undervalue those benefits which are received without cost or sacrifice.

Due to the agitation begun by such reformers as Willbur Fisk and Noah Webster, the legislature appointed committees on education which, from 1830 to 1838, investigated and reported but failed to secure statutory regulations. No tangible results were obtained until an example of practical reform was set by Massachusetts in 1837, the latter state then creating a central school board with Horace Mann as secretary. In the following year Connecticut established a board of nine commissioners, Henry Barnard of Hartford being chosen secretary.

Barnard ranks with Horace Mann as one of the great educational leaders of the nineteenth century. He received the inspiration to take up school reform as a career while in the Connecticut legislature where the educational problem was being debated; and shortly after 1837 he formulated a policy which can be stated

as follows, the phraseology being close to Barnard's own:

It is necessary to prevent the public schools from being regarded as common because they are cheap, inferior, and attended only by the poor; they should be called common because they give the blessings of a good education to each and every child.

For four years after his appointment as secretary to the board of commissioners, Barnard devoted boundless energy and long working hours to the cause of school reform, but the fruits of labor were so slow in appearing that it was not until after 1850 that a marked change was evident. The *Connecticut Common School Journal*, founded by Barnard, was sent free of charge to important men in every community; local visiting boards were called upon to furnish frequent reports; and several hundred schools in the state were personally visited by the secretary, the mass of information so accumulated being made the basis of recommendations for new legislation. In 1839 the assembly received Barnard's first report, with suggestions for a general policy, and it thereupon passed the first significant school law since the enactment of 1650. The new regulations made some changes in the size of districts with a view to bringing about greater uniformity; districts which contained more children than one teacher could handle were permitted, as they had not been before, to employ additional teachers; schoolmasters were required to keep records of attendance; and school visitors were obliged to be more strict in the examination of candidates for teaching positions, being especially requested to make sure that such persons could give instruction in arithmetic, grammar, geography, and history.

Legislation for school reform practically stopped at this point, although the board of commissioners tried to secure regulations for the improvement of textbooks and,

more important still, to obtain normal school training for prospective teachers. Since the board did not get further assistance from the assembly at this time, it turned to the consideration of problems which could be dealt with in other ways; Barnard was able, through recommendations to the local boards of visitors, to secure some improvement in the interior arrangements of school buildings, particularly in the direction of better lighting facilities, more serviceable desks, and blackboards. This work was cut short in 1842 when the assembly, under control of the Democratic party, repealed the recent school laws, including the one which authorized the board of commissioners, claiming that such innovations were costing the state too much money. Undoubtedly the fact that Barnard was a strong Whig had something to do with this reversal of policy, and as the ex-secretary felt that he could not do more in the state for the time, he left for Rhode Island where he was active in educational work until 1849.

Under a Whig administration, in 1845, the general assembly returned to a serious consideration of school problems, and created a state superintendent who was to have much the same powers and duties as had been previously entrusted to the board of commissioners. The man chosen to fill the position, Seth P. Beers, was well qualified for the task, as he had been commissioner of the School Fund since the resignation of James Hillhouse in 1825. Beers travelled about the state on tours of inspection, as Barnard had done before him, and to his regret he found that conditions in the schools had not changed a great deal since 1838—there was still too much moving about of teachers from one school to another, the attendance of pupils was very irregular, textbooks were not uniform, nor of high quality, and parents seemed to be as

indifferent as ever to the kind of education their children were receiving. Beers proposed a number of remedies, but the only recommendation acted on for some time was that providing for a normal school. In 1847 the superintendent was authorized to hire the services of lecturers in pedagogy, who were to give at least four addresses in each county during the winter months, and two years after this beginning, the temporary arrangement was superseded by a normal school to be located permanently at New Britain. Beers did not wish to assume the extra duties assigned to his office, so he tendered his resignation as superintendent, but upon his retirement the state was fortunate in being able to persuade Henry Barnard to return from Rhode Island, so that the original champion of educational progress again devoted the force of his genius to the multifarious duties connected with the dual position of superintendent of schools and principal of the normal institute. In carrying on the latter work he was aided by the well-known leader in women's education, Mrs. Emma Hart Willard.

Although the efforts of Barnard and Beers do not seem to have resulted in great improvements, their work brought the problem of elementary education to the attention of the people, and made easier the progress of the latter half of the century, the public schools being then subjected to regulation by a state board so that teaching personnel, textbooks, and the courses of instruction could be kept on a high level. In Barnard's time, too, the common schools gradually broadened their curricula, adding courses in natural philosophy, history, art, and chemistry, subjects which in the opening years of the century were taught only, if at all, in private academies and colleges. There were few high schools in the state until after 1850, although Hartford established one as

early as 1838, and Middletown another in 1840. Yet in respect to educational reform, Connecticut was much more progressive than many other states of the Union. If the improvement of common schools dragged along at a slow pace the local academies, of which the best known are two Hopkins Grammar Schools, the Norwich Free Academy, the Hartford Female Seminary, and the Litchfield Academy, set a standard of instruction for which no apologies need be made.

All of the local colleges greatly increased the scope of their activities during the second quarter of the century, special provisions being made for courses in medicine, law, chemistry, and agriculture. The ambitions of college corporations, in fact, expanded more rapidly than did the funds for supporting new branches of study, and as none of the local institutions had endowments of any size, they sought help from the state treasury. Bishop Brownell of Washington College complained, in 1827, that his school was running badly into debt since the income received from a small body of students, only seventy, was not large enough to keep the institution alive. The legislature did not extend any assistance to Washington at this time, but in 1837 it aided the college to the extent of about \$18,000. Two or three smaller grants to educational institutions were made later, but in general the state resolved to keep the colleges dependent on private support, a policy which some people regarded as a shortsighted one, since Connecticut seemed to have greater opportunity for national preëminence in education than in agriculture or commerce, but the policy was at least conducive to academic freedom, since it did not reduce the colleges to dependence upon a political body which might have attempted to interfere with curricula or faculty appointments.

Equally significant with the agitation for better public schools and more liberal colleges was the spread of a desire for adult education. About 1830 Connecticut experienced a mild attack of the mania for self-improvement which afflicted the eastern part of the United States at that time; people became convinced of the possibility of increasing indefinitely the mental capacity of every person, so that some societies were founded to educate those who had never received a formal academic training and others to "learn the learned more." An outstanding example of this movement was the lyceum, an institution which originated in Connecticut, though it developed to greater lengths elsewhere. Josiah Holbrook of Derby proposed the founding of town reading and lecture clubs in towns, these to become the local units in a nation-wide system of adult education. The plan was first taken up in Windham and Hartford Counties. Lyceums relied largely on local talent for courses of instruction, though John Quincy Adams, Daniel Webster, Ralph Waldo Emerson, and other men of national prominence shared in the work. In Connecticut the lyceum movement was directed especially to the problem of public school reform, so that many informal discussions were held on the matter of textbooks and normal school training, discussions which helped considerably in furthering Henry Barnard's crusade against the antiquated system of education.

Whereas promoters of lyceums were concerned about the intellectual needs of the common man, other industrious individuals furthered the establishment of societies for more special designs. Between 1820 and 1850 there came into being a great number of institutions and clubs, such as the Connecticut Historical Society, the Connecticut Academy of Arts and Sciences, and the American

Geological Society, the activities of which help to fill the void created by the absence of literary men of the first rank. After the passing of the Hartford Wits, a group of writers who were at their best about 1800, Connecticut could not lay claim to any authors of real genius until the days of Mark Twain and Charles Dudley Warner, though several well-known writers, Harriet Beecher Stowe and Jared Sparks in particular, passed their early years in the state only to achieve a national reputation while residing elsewhere. The second quarter of the century was an age of societies and organizations, not the least important of which were dedicated to philanthropic or humanitarian causes.

Aid societies, organized by church people, appeared with great rapidity. A few years before 1820, four charitable societies were founded in New Haven, and in Hartford the Connecticut Asylum for the Deaf and Dumb was established. Before long many of these societies had occasion to ask for state coöperation in caring for needy cases, and the attitude of the legislature to philanthropic work affords an interesting study in the history of New England charities. When the deaf and dumb asylum was proposed the assembly voted \$5,000 for its establishment, but after that time the state proved to be less liberal in its treatment of requests for financial aid. The major problem confronting private societies was this—that their financial resources were not great enough to care for many poor patients, and under such circumstances, how great a burden for the support of pauper cases could they safely assume? In 1828 the legislature agreed to pay for the care of fifteen deaf and dumb students at the Hartford asylum, but as this arrangement cost the state over \$3,000 a year, a sum considered excessive, the assembly soon after reduced its appropriation so that the

state would support only the number of cases that could be accommodated for \$2,000 a year. In 1838 a similar provision was made for blind children, the governor being permitted to send as many poor pupils to the New England Institute for the Blind, in Massachusetts, as could be supported on an annual appropriation of \$2,000. In regard to insane paupers the state made a third bargain of similar character, as in 1842 the governor was allowed to spend \$2,000 a year for the support of poor patients at a private asylum, the Hartford Retreat, which had been opened to paying cases in 1824.

In none of these instances did the small sums appropriated, usually \$2,000, enable private institutions to care for the number of unfortunate paupers that should have been accommodated, but until well past the middle of the nineteenth century the assembly continued to limit the number of patients to appropriations rather than to increase such grants to meet the needs of charity. Insane paupers and other unfortunates unable to find funds to pay for their support had to drift into town and county poorhouses; a state institution for the insane was not authorized until 1866, and a school for the blind not until 1893.

Strangely enough, the assembly showed a more tender regard for convicts than for more worthy objects of charity. Since Revolutionary days the common place of detention for state prisoners had been located at Newgate, in the town of Granby, a vile institution consisting of a few small buildings erected over an abandoned copper mine. Some prisoners were housed above ground, being crowded into rooms that were excessively hot in summer, while others were kept below ground in the dark passageways of the mine where they suffered from impure air and continual dampness. Not only did the

prison inflict severe physical hardships on the inmates, but it was expensive to maintain, so that a combination of humanitarian motives and desires for economy resulted in the building of a new state prison at Wethersfield, in 1827. This was a much superior place, modeled on the New York experiment made a few years earlier at Auburn, and it met both requirements the legislators had in mind, as it not only provided comfortable and sanitary living quarters but proved to be cheaper to operate. Within a few years of its opening, indeed, the Wethersfield prison ceased to be a financial liability and became a source of profit because of the sale of articles made in the prison workhouse.

From the foregoing consideration of changes taking place in Connecticut's economic and social habits, it becomes evident that during the second quarter of the nineteenth century the state was gradually losing its colonial characteristics and beginning to favor new methods of business, a more liberal spirit in church activities, and a broader outlook on problems of philanthropy. In the field of politics this changing civilization brought about a number of important innovations. For ten years after the making of the constitution, to be sure, no great progress in political customs was discernible, but from 1828 on the assembly sanctioned, usually under pressure from the Democratic party which was associated with the national interests of Andrew Jackson, a number of departures from traditional practices.

The constitutional amendments ratified during this period gave the people a greater control over the choice of public officials. The first amendment, adopted in 1828, made a number of changes in the upper house of the legislature; the state was divided into districts, a subsequent enactment of 1830 fixing the number at twenty-

one, for the election of senators. This amendment largely did away with the choice of senatorial candidates by caucuses made up only of assemblymen, the nominees for the upper house being henceforth chosen at county meetings, or primaries, at which party bosses found it difficult to manage the selection of candidates. The third constitutional amendment, ratified in 1836, provided for the popular election of the state comptroller, that officer having earlier been chosen by the general assembly, and the fifth amendment, of 1838, brought about the popular election of county sheriffs. Later alterations subjected probate judges and justices of the peace to popular choice, and limited the terms of Superior Court judges to eight years. These alterations, which comprised a majority of all those ratified between 1828 and 1856, partook of the democratic tendencies which had originated in Kentucky and Tennessee, the frontier communities of the early nineteenth century, and later spread into the older states of the East. From a political point of view, therefore, it is certain that a very radical change in Connecticut traditions had occurred by the middle of the century, especially if to the amendments just noted there be added another, of 1845, abolishing the long standing property qualification for suffrage.

Objection may be raised that this liberalism was one which favored only the male sex, since women were not allowed to vote or to participate directly in the selection of any candidates for office, but this consideration did not weigh heavily upon the men or the women of the day. Those champions of women's rights who represented at some time in their career a typically Connecticut point of view, that is, Catherine Beecher, Emma Willard, and Sarah Porter, were not greatly concerned about the right of suffrage; rather did they wish to have women

given educational advantages equal to those enjoyed by men, and to have the housewife's station made a respected one. Domestic and civil rights, not political privilege, constituted the rallying cry of Connecticut feminists, and the agitation bore good fruit in the years following the constitutional revolution of 1818. Catherine Beecher founded at Hartford, in 1824, a Female Academy which became one of the best private schools in the state; Sarah Porter opened her Farmington school in 1846. Women were freed from the penalty of imprisonment for debt in 1826, eleven years before men were granted a similar concession, and in 1845 and 1846 laws were enacted protecting the property of married women and their wages from any process for debt instituted against the husband. With these rights in their possession, the women of Connecticut were quite content, and they did not for some time clamor for the additional boon of suffrage. In the seventies, two maiden ladies of Glastonbury, Abby and Julia Smith, refused to pay taxes because they were not allowed to vote, but their protests were viewed by neighbors, men and women alike, as being eccentric but harmless bids for publicity, and the Smiths were forced to pay their taxes when some of their cows were seized by the town collector and sold at auction.

Signs of liberalism appeared in other fields from time to time, though there was never evident for the state as a whole a steady drift away from conservative customs, nor did an avowed liberal party ever materialize in local politics. In general terms the Democratic party, which came into existence about 1828 as an offshoot of the Jacksonian movement in the country at large, tended to be more progressive than any other group, but its popularity was curtailed in later years by the animosities of

Civil War times. Because of this national conflict, Connecticut lost an opportunity to develop a truly liberal party. During the middle years of the century, however, the Democrats controlled local affairs for a number of administrations, enacting several progressive measures. In 1833 clergymen were deprived of exemption from poll taxes, an action intended to signify the complete abolition of ministerial privileges foreshadowed in the constitution of 1818, and restrictions on recreation on public fast days were removed. Conservatives were especially bitter against the latter enactment, claiming that the administration had discarded a useful statute merely because it was imperfectly enforced, but the Democrats suggested that there was nothing in the law to prevent individuals, who were so inclined, from observing Sundays and fast days as religiously as they desired.

Attempts were made in 1835, and for some time thereafter, to limit the tenure of Superior Court judges, five years being suggested as a maximum, but this movement for greater popular control over the judiciary did not find favor with the assembly until a constitutional amendment, establishing an eight-year term, was ratified in 1856. A very much needed piece of legislation was secured by the Democrats in 1833, when a general incorporation law, ordinarily called the Hinsdale Act, permitted the chartering of small companies by the secretary of state without the inconvenience of formal action by the assembly. In 1836 the requirement that jurors should be freeholders was abolished. Three years later a Whig administration instituted the registration list, an item which has become a regular feature of party machinery today, and one so essential as to be taken for granted, but before 1839 no provision had been made for supplying the officers at polling places during elections with correct

lists of eligible voters. In 1842 under the leadership of a Democratic governor, Chauncey F. Cleveland, the assembly enacted a child labor law which prohibited the employment of children, under fourteen years of age, for more than ten hours a day in cotton and woolen mills, this safeguard against overworking of young people being later extended to other lines of manufacture. Efforts to abolish capital punishment were unsuccessful, being opposed by conservatives in both major parties, a prominent Democrat, John Cotton Smith, Jr., maintaining that, regardless of advantages which penal reform might gain from life imprisonment as a substitute therefor, capital punishment was required by the law of God.

In 1843 the Democrats promoted a measure enlarging the scope of religious equality in the state by extending to Jews the protection of earlier laws safeguarding the integrity of ecclesiastical societies and the preservation of order at church exercises. Proceedings in divorce cases were also simplified at this time, when the jurisdiction over cases involving intemperance or intolerable cruelty was taken away from the legislature and given to the Superior Court. Shortly afterward another concession to liberal sentiment was made in the form of a new alien land law, supplementing that enacted in 1824, whereby foreigners who had made a declaration of intention to become citizens were permitted to purchase, hold, or convey, real estate without having to petition the Superior Court for permission to do so.

These measures constitute the advancement made in the direction of liberalism, the latter term being construed simply as one applying to any significant change from the established mode of social regulation. For the first half of the nineteenth century, therefore, it was still true that Connecticut remained a thoroughly conservative

community, whose people retained a traditional prejudice against changes of any sort. Greater advances in progressive legislation were made in the latter half of the century, when the rapid expansion of industry, fostered by railway communication, brought the state into more intimate contact with outside communities, a contact which did much to break down the former exclusiveness that pervaded all ranks of society. For the earlier years of the century, however, progressives such as Oliver Wolcott, Henry W. Edwards, and Chauncey Cleveland, occupied the unenviable position of prophets without honor in their own country, the true public opinion of Connecticut being best expressed by William W. Ellsworth who, in 1841, eulogized the community thus:

Our territory is small, our laws and institutions few, uniform, and without complexity We resemble an industrious, economical, and well regulated family, presenting a republic which secures more good, and avoids more evil, than any other community of ancient or modern times.

Truly did Connecticut maintain for generations its claim to being regarded as the "Land of Steady Habits."

Bibliographical Note

THE following works have been of assistance: G. L. Clark, *A History of Connecticut*, chapters on educational reform and philanthropy; N. G. Osborn, *History of Connecticut*, articles on agriculture and industry, written by E. H. Jenkins and G. B. Chandler, respectively. Generally speaking, however, the student of this period in local history must consult source material, of which I have found the following most useful: *The State Records*, manuscript volumes of the acts and resolutions of the general assembly, kept in the secretary of state's office at Hartford; *The Journals* of both houses of the legislature, manuscript volumes also in the keeping of the secretary, although the printed volumes may be used for the lower house beginning in 1838, and for the senate beginning in 1840; *The Session Papers*, a most informing collection of petitions, committee reports, and miscellaneous papers accumulated by the legislature, and preserved also in the capitol building at Hartford. Source material other than that contained in the state archives may be found in three local repositories—the State Library, the Connecticut Historical Society, and the Yale University Library. Some assistance, though not a great deal, can be had from general works on religion, education, and women's rights, the titles of which may be searched in bibliographical guides such as that edited by Channing, Hart, and Turner, but for the Connecticut phases of general movements in social and economic progress, a study of the sources is indispensable. This article is an adaption of a longer work representing an independent study of the period, which has recently appeared from the Yale University Press, J. M. Morse's *A Neglected Period of Connecticut History, 1818–1850* (1933).

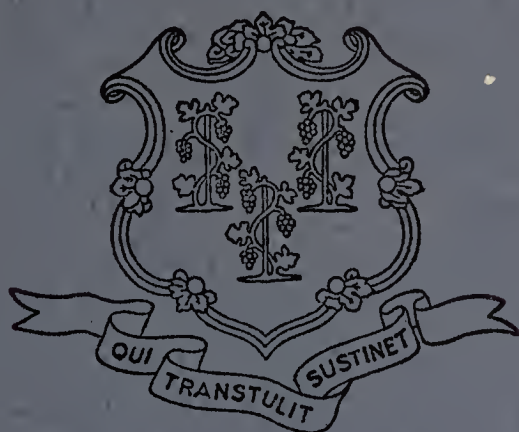


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Connecticut History

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TERCENTENARY COMMISSION OF THE
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COMMITTEE ON
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*Under the Constitution of 1818:
The First Decade*

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STATE OF CONNECTICUT

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*Under the Constitution of 1818:
The First Decade*

JARVIS M. MORSE

CONNECTICUT has so often been called "The Land of Steady Habits" that one is surprised to discover a period when the foundations of the state were shaken, and political strife threatened to disrupt all peace and harmony. About 1800 there appeared a political party which maintained that the state had no legal constitution, and that the public policies upheld by tradition were subversive of civil and religious liberty. This party, usually called Republican, originated as a branch of the national organization associated with Thomas Jefferson, but within a few years after 1800 its activities were focussed on local affairs. The Republicans objected to many features of contemporary politics, especially the fact that legislative and other governmental powers were derived from a charter granted by Charles II in 1662. From the Republican point of view it was undignified for a sovereign state to be governed according to rules laid down by a king who had once held the community in subjection. Mere prejudice against the royal charter would not have led to serious consequences, but the reform party injected into this constitutional con-

troversy some issues which were more certain to excite popular passions. Republicans protested that the ruling party monopolized all offices, manipulated elections to maintain itself in power, and, worst of all, favored one religious sect to the discomfiture of others. The last charge laid bare the major cause of the upheaval which convulsed the state several years later.

Since early colonial days Connecticut had supported Congregationalism as an official church. Its ministers played an important part in politics, and its parishes were subsidized by funds secured from public taxation. Because of this situation nearly all the members of the Congregational church were also members of the dominant political party, the Federalist, and, conversely, most Episcopalians, Methodists, and Baptists flocked into the Republican fold. Thus the state was divided into two distinct camps—on one side were the Federalist-Congregationalists, supporters of an official church and an aristocratic form of civil government, and on the other the Republican-Dissenters, advocates of religious equality and of a liberal constitution.

The crisis came in 1818, when the reform party forced the calling of a convention to frame a constitution. The convention met at Hartford, its deliberations lasting from August 26 to September 15, and its work being given to the electorate on the fifth day of October. During the three weeks which elapsed between the close of the convention and the date chosen for the referendum, political and religious propaganda poured forth from dozens of printing offices, public speakers branded their opponents with the most disrespectful terms ingenuity could devise, and Congregational ministers prayed for some divine interposition which would save the state from infidelity. On October 5, farmers left their fields

and mechanics deserted their shops to settle the great question, and when the returns were counted the reform party was found to have been victorious by the narrow margin of 1,554 votes. The people had ratified the constitution which, with numerous amendments, has remained the fundamental law of the state to the present day. Perhaps "the people" is too broad a term by which to designate those who registered their decisions on the constitution, for they comprised only about a tenth of the total population, but most of the adult males who were permitted to vote under the suffrage qualifications of the time availed themselves of the privilege, and on only one other occasion for the next sixteen years did a greater number of people take part in an election.

The outcome of the referendum was given prominence in newspaper comment within and without the state. Local journals with a conservative bias, such as the *Connecticut Courant* published at Hartford, predicted a general overthrow of peace and order which was certain to result from the tearing down of traditional forms of government. The *Courant* spoke for those people to whom change was in itself an evil. Papers of the Republican persuasion, on the other hand, prophesied the coming of the millenium. "Connecticut has now a Constitution, founded on sound and liberal principles," declared the *American Mercury*, one of the more restrained Republican papers. "The rights of all are secured"; it continued, "and the humble christian is now permitted to worship his God without fearing the lash of civil persecution." Many newspapers outside the state adopted a satirical tone as they commented on the fact that Connecticut people, who had long boasted of their excellent institutions, were awakening to the fact that the objects of their reverence had become antiquated. All of the other Ameri-

can states, Rhode Island excepted, had created new constitutions since the overthrow of royal government.

But at last the community, the policies of which were rooted in the Puritanism of Thomas Hooker and John Davenport, had ratified a sound and liberal body of law, and had at the same time acquired its first modern constitution. The earlier political system was based on documents which cannot be regarded by present day students as being constitutions in the present American sense. The Fundamental Orders of 1639 made elaborate provision for the election of administrative officers and members of the legislature, but did not specify at length the powers and duties of different departments of the government. Eight of the eleven Orders were concerned with the setting up of administrative machinery, and only three with the more important problem as to how the machinery should function. The Orders of 1639, furthermore, could be amended without any special procedure, such as is customary in respect to modern constitutions; they could be, and were, changed by ordinary enactments of the legislature. The charter of 1662, although more detailed in its provisions than the earlier covenant, was not the work of the people, and its terms were modified by legislative action after the outbreak of the Revolutionary War. Hence Connecticut acquired in 1818 its first constitution analogous to other contemporary state constitutions, as a body of law drawn up by a special convention, adopted by popular referendum, and subject to amendment by an exact process specified in the document itself.

Since the constitution has not been altered in any fundamental particulars to the present day, its main features deserve more than passing attention. The most important changes which it introduced were three in number: the division of governmental functions into dis-

tinct departments—the legislative, the executive, and the judicial; the separation of church and state; and the establishment of an independent judiciary. The first of these innovations was accepted by the convention without much debate, because it was a principle held in high esteem by political philosophers of the day. Politicians were not then so concerned, as they have been since, about the impossibility of drawing distinct lines between functions which inevitably overlap. The second innovation impressed contemporaries as being the most radical one in the constitution, because the Congregational church had enjoyed a favored position in governmental affairs since the middle of the seventeenth century. The third alteration was also one of consequence. Before 1818 all judicial appointments depended on the will or the caprice of the legislature, but the constitution assured the judges of the higher courts, the Superior Court and the Supreme Court of Errors, tenure for life or during good behavior, subject only to the usual method of removal by impeachment or by executive action upon the request of two-thirds of the legislature. Perhaps one further change should be included with the foregoing, although it was of less significance than the others. The framers of the constitution sought to create a new type of senate, differing from the older council in several respects; it was no longer to act as an advisory body to the executive, the governor being deprived of membership therein, and it was freed from the popular criticism which had been directed against the secrecy of its proceedings. The council had sat behind closed doors; the senate chamber was opened to visitors.

These four changes are generally recognized as having considerable importance in the development of Connecticut's constitutional history, but it must be noted that

they were offset by provisions which perpetuated earlier practices. The political habits of the people which were not subjected to revision were, in fact, much more numerous than those which were modified. For example, the state did not desire, and would not tolerate, a strong executive. The governor was granted a number of formal but unimportant powers; he was, *ex officio*, captain-general of the militia and justice of the peace, but he had at his disposal only a small amount of patronage. In 1818 the governor was given the right of veto, a power which he had not previously possessed, though for many years this privilege proved to be of little value. In the second place, it soon became apparent that the constitution had sanctioned an omnipotent legislature. The powers of this department were restrained in so few particulars that its members believed, with justice, that they could do anything not specifically denied to them in the constitution. The Connecticut legislature, as President Timothy Dwight of Yale once remarked, could do almost anything except to change the result of an election. Had there been a Tammany Hall in the state, even this feat might have been possible. With very few exceptions the legislature paid scant respect to the wishes of the governor, exercised judicial functions which properly belonged to the courts, and in other ways nullified the principle of a separation of powers. The constitution did introduce a few innovations but it also placed a seal of approval upon practices made familiar by years of experience. It made no alterations in the system of town representation in the lower house of the assembly, and offered no encouragement to the introduction of a more democratic suffrage.

Such being the leading features of the constitution, it is pertinent to inquire as to how the instrument worked in practice. A brief survey of political developments for a

decade following its ratification will reveal the fundamental characteristics of contemporary politics. Until 1833 the constitution was administered by the party which had secured its adoption, since the Republican control of affairs was not seriously challenged until a local Democratic party had risen to power, largely due to the prestige of President Andrew Jackson. There were three major points in the program of the Republican group: the maintenance of the constitution, economy in state finances, and adjustment of taxation to lessen the burden of farmers and mechanics. These policies may be taken up in order.

As a part of their pledge to maintain the constitution the Republicans paid considerable attention to ecclesiastical affairs. In spite of the fact that the constitution was supposed to sever all connection between the Congregational clergy and the state government, ministers continued to attend the annual Election Day ceremonies, held at the opening of the legislature, on which occasions they were provided with refreshments at public expense. In 1820 this custom evoked protest from members of the assembly. By some mischance a bill for a part of the entertainment supplied in 1819 failed to reach the comptroller, who would probably have paid it without question, and appeared in the legislature, whereupon the Republicans, led by Henry Channing of New London, investigated the whole subject of Election Day expenses. Channing discovered a small error in the account under discussion—he found that the creditor, a Hartford merchant named Bennett, had overcharged the state three dollars on a dozen bottles of wine. This bill, for the insignificant total of about forty dollars, was eventually paid, but its settlement was followed by a measure intended to emphasize the separation of church and state.

The assembly resolved that no more appropriations should be made from the treasury for the entertainment of clergymen on Election Day. Not all of the seventy ministers who had attended the ceremonies in 1819 were of the Congregational faith, but a majority were, so that the refreshment controversy, which has its humorous aspects, was nevertheless a serious discussion of the position that a free church should have in a free state. To the delight of most Republicans the anti-entertainment bill worked very effectively, as the number of ministers congregating in Hartford or New Haven on the opening day of the legislature rapidly declined. Whether the clergymen who absented themselves from this traditional ceremony felt rebuffed by the attitude of the assembly or disappointed by the absence of refreshments it would be hard to say.

A year after this incident occurred, the assembly discussed another measure which touched upon the privileged position of clergymen, whatever their denomination. Ministers of the gospel were at the time exempted from taxation upon a certain amount, about \$2,500 worth, of their property. Several of the Republican lawmakers regarded this favor as a state contribution to the support of religion, although their argument was weakened by the consideration that other groups, such as academy instructors and college professors, were given a similar concession in being released from the poll tax. The anti-privilege sentiment was strong enough to bring about the ending of tax exemption for ministers in 1822.

These measures led many clergymen to think that constitutional reform signified a growing antagonism to religion in general, but as a matter of fact the Republicans had no prejudices against religion when confined within its proper sphere. Even if the reform party had once

hated Congregationalism because of its favored position, their antipathy to that faith subsided after the special privileges had been abolished. Tax exemption was given up because it was a concession which encouraged clergymen to think that they deserved particular consideration from the state government. It also deprived the public treasury of income. Politicians were, on the other hand, anxious to preserve ecclesiastical organizations from harm provided it could be done in a constitutional manner; they passed statutes safeguarding the peace and order of church services, of camp meetings, and even, until 1831, invited some well-known clergymen to preach a formal sermon to members of the assembly at the beginning of each annual session. In 1830, furthermore, the legislature enforced by statute a principle which had for some time been followed in court practice—the disability of anyone who did not believe in a Supreme Being to act as a competent witness in judicial proceedings.

In one or two other respects the Republicans carried out in consistent fashion the principles of the constitution. Independence of the judiciary was an ideal which generally passed without question. The Supreme Court of Errors and the Superior Court were released in 1818 from dependence on the assembly, and this freedom was not criticised until after 1828. With the rise of the Democratic party some support was given to proposals for reducing the higher courts to subordination, but amendments favored by the Democrats in 1835 and later years did not receive popular approval, so that the judges of these courts were not placed in danger of short term appointments, or of removal for political opinions.

Another constitutional principle, that which declared in favor of more publicity in governmental affairs, was favorably interpreted by the reform party. In 1819 ses-

sions of the senate were opened to visitors, except during the making of appointments, and a journal was begun. During the same year the state comptroller was ordered to publish his accounts in the same newspapers which printed the public laws, so that everyone who had sufficient curiosity could read the record of general expenditures. In course of time the assembly made provision for further publicity in regard to its proceedings. Some account of debates had found its way into the press through the reports given by individual assemblymen, or through stenographic notes made by newspaper men present in the galleries of the legislative chambers. In 1827 the speaker of the house of representatives was ordered to give a place on the floor to one or more reporters who should keep accurate records of debate for publication, and three years later the president of the senate was similarly instructed to aid the fourth estate.

While the assembly carried out in many ways the obvious mandates of the constitution, in some others it refused to be bound by the implications of that document. A striking example of this unwillingness to apply all of the recent changes may be seen in the treatment accorded to the governor. In colonial days, and also from the close of the Revolutionary War to 1818, the Connecticut executive enjoyed no very extensive powers. Individual governors, to be sure, exercised considerable influence because of their intellectual capacities, wealth, or social standing, and many of them enjoyed long terms, a rule of fifteen years being not unusual. The framers of the constitution intended to increase the prestige of the chief executive by giving him the right of veto, a power previously withheld. In actual practice this power proved to be of little effect, since it was seldom exercised, and was hardly ever respected by the assembly. Governor Wol-

cott, in 1820, refused his signature to a bill defining the qualifications of electors. He objected to the measure because it was so faultily worded as to permit persons to vote in a town of which they were not residents, but the assembly disregarded the criticism and, taking the attitude that the veto was an undesirable interference with their freedom of action, passed the bill over the governor's remonstrances. Two years later the assembly refused to be bound by Wolcott's veto of a bill enabling Connecticut citizens to retaliate against a steamboat monopoly authorized by the state of New York. On only one occasion before 1850 was the governor's veto sustained; in 1837 Henry W. Edwards was able to prevent the assembly from repealing the charter of the City Bank of New Haven, but this action cost him the nomination for another term of office. Men of all parties, Federalists or Republicans, Whigs or Democrats, set their faces against the veto power, and thus subverted the plain intention of the constitution, which was to make the Connecticut executive an officer of substance and standing. Particularly did representatives from small country towns, the centers of extreme conservatism, override with élan all executive criticism of dubious legislation. Not only was the governor denied the full benefit of the veto, but was forced to see his prestige curtailed in other respects also. In 1825 he was deprived of the right to issue proclamations calling for funds for charity, especially in case of fires, epidemics, or other calamities. About the same time an attempt was made to transfer the appointment of the adjutant general of militia from the governor to the assembly, but this measure failed. The governor, who might not remain in office very long, said Representative John McClellan of Woodstock, might as well be suited while he was there. The assembly, it may be added, sel-

dom paid much attention to the governor's advice on plans for new legislation. Governor Wolcott, especially, found that the legislature was deaf to pleas for the encouragement of agriculture, manufactures, transportation, or for the betterment of schools and prisons. Not until the second quarter of the nineteenth century did the assembly, on a few occasions, give to executive recommendations the serious consideration which they deserved. In this respect two Democratic governors, Chauncey Cleveland in 1842 and Isaac Toucey in 1846, were more successful than their predecessors.

Perhaps this lack of coöperation between the legislative and the executive branches of the government should not be stressed unduly, as such contests are not rare in the history of local politics, but other examples of an unwillingness to observe the spirit of the constitution can easily be found. The assembly was extremely reluctant to apply the injunction regarding a separation of powers, a consideration which involved the lawmakers in controversy over a great number of small but significant questions. Political theorists will be tempted to remark that it is impossible to secure an absolute division of powers into the legislative, the executive, and the judicial, but regardless of philosophical objections which contemporaries may or may not have appreciated, they rejected proposals which would have carried out this principle in a practical fashion.

In 1819 Thomas S. Williams, later chief judge of the Supreme Court of Errors, objected to the custom by which senators were allowed to act as justices of the peace throughout the state. This privilege, which had previously been granted to members of the governor's council, was criticised as an unconstitutional union of legislative and judicial functions in the same persons. Republicans

rallied to the support of senatorial privilege, and when the question was put to vote the custom was sustained. On several occasions after the ratification of the constitution, doubt was expressed as to the propriety of the legislature's retaining control of petitions for divorce, a subject which could more properly be disposed of by court action. In October, 1818, the assembly resolved to retain its jurisdiction in divorce cases, a policy not modified until 1843 when the Supreme Court was authorized to grant divorce on grounds of habitual intemperance or intolerable cruelty, action regarding all other cases to remain with the legislature.

In 1820, while the assembly was considering the general problem of appropriations for the common or public schools, Seth P. Beers, later commissioner of the school fund, proposed to have the money, which the state advanced to the towns, allotted on the basis of the number of children between the ages of four and sixteen. It was the custom to divide these funds among the towns according to the size of local grand lists upon which state taxes were laid. The scheme advocated by Beers was a reasonable one, because there was no connection between the wealth of a town and its need for school money. In fact, the towns with small tax lists usually needed more state aid than did wealthier centers. Nathan Pendleton of North Stonington declared categorically that the constitutional principle of equality of laws required school money to be allocated per child rather than by tax list, but the assembly held this scruple to be of small consequence, and the old system of distribution was retained.

A year later the house of representatives debated another question involving a fine point of constitutional interpretation. Elisha Tracy of Norwich introduced a bill to prohibit judges and justices of the peace from serving in

the senate. The motion touched the problem, becoming very familiar to the lawmakers, of the separation of the powers of government. Calvin Willey of Tolland thought that all judicial officers should be excluded from both houses of the legislature, but the measure under discussion was not amended so as to embrace the lower house, and because it was held to be improper for the latter to force a restriction on the other branch of the assembly, the bill failed to pass. No satisfactory answer was made to the objection that the former practice was a violation of the spirit of the new constitution.

In 1822 there appeared another issue of similar nature, when a delegate from Greenwich asked for the repeal of a law which prohibited tavern keepers from being justices of the peace. Some opposition to this proposal was voiced by those who feared that taverners would try to create business for themselves as justices by plying quarrelsome men with liquor so as to stir up brawls. Elisha Tracy said that he would not like to see judges sitting in a barroom, polluting the stream of justice with ardent spirits. A constitutional aspect was injected into the discussion by Ralph I. Ingersoll of New Haven, who supported the motion for repeal on the ground that every elector had a right to office. He saw no reason why a man should be denied a justiceship because he earned a living by the honest labor of keeping a tavern. This opinion did not impress a majority of the assembly, and the former prohibition was allowed to stand.

By this time the legislators had advanced beyond a consideration of issues involving only the separation of powers, and were discussing at length many questions which arose whenever the principles of the constitution clashed with established customs. In 1826, as the result of two bank failures, a new problem was debated. During

the preceding autumn the Derby Bank, and the Eagle Bank of New Haven, had closed under circumstances which called for investigation. When a motion authorizing a legislative review of the financial tangle was made, Charles Shepard of Suffield contended that the assembly had no right to make an investigation since the bank charters did not include provisions allowing such a procedure. In making this point Shepard was not wholly guided by the state constitution but partly by the clause in the national constitution requiring states to respect the obligation of contracts, a legal issue which had been given prominence by John Marshall in the Dartmouth College case of 1819. The assembly, mindful of its past omnipotence, overruled his scruples whether they proceeded from either the state or the national constitution, and created a committee to investigate the affairs of both banks. The reports of this body, which appeared intermittently over a period of nine years, were made the basis of legislation providing for state control of bank and insurance companies.

From a consideration of these incidents, each one of which may appear insignificant in itself but the cumulative effect of which was considerable, we cannot escape the conclusion that the assembly did not consider itself bound by any features of the constitution which placed restrictions upon the freedom of legislative action. The assemblymen believed, and court opinions of the time strengthened their conviction, that the Connecticut legislature could do anything not specifically denied to it by the constitution. Not until 1897 did a distinguished judge of the Supreme Court of Errors, William Hamersley, put a definite limitation upon this theory by declaring that it was the obvious intent of the constitution that the legislature should not exercise judicial functions.

In many other respects than those associated with constitutional interpretation did the Republican party continue practices which, though not in accord with the reform principles on which the organic law was founded, were sanctioned by years of tradition. During the first decade of constitutional government at least three determined efforts were made to change the system of town representation in the lower house. A rational theory of popular government could hardly be reconciled to the fact that, in 1820, New Haven with a population of 8,327, and Union with a population of 757, both should have the same number of delegates in the assembly. Divergences of this sort grew more extreme in later years, yet the theory that towns should be equally represented has persisted so that in the twentieth century a spokesman of the small town interests could say: "There is not a man in the town of Haddam that would vote to change our present town representation; no, not a man or woman, boy or girl, from the cradle to the grave. They are not trained that way, and what is true of Haddam is true of the other towns."

Another significant feature of the early constitutional period is the fact that suffrage laws were not modified in any important particular. Just previous to the convention of 1818 there was some sentiment in favor of extending the franchise to anyone who paid taxes, either state or local. The convention retained the customary and more elaborate qualifications, that electors should maintain a good moral character, and should possess a freehold estate of the yearly value of seven dollars or should have paid state taxes within a year of the time at which they offered themselves for admission to the elector's oath. "Our prudent and discerning ancestors," declared a press correspondent, "did not consider the extension of this

privilege [the franchise] to all classes and descriptions of men as being consistent with the genuine principles of civil liberty, or the stability and safety of government." Men sought to evade the property qualification by various devices; during periods of public excitement party leaders had voters qualified by making them gifts of small plots of cheap land which would be reconveyed after election. The legislature of 1819 placed an obstacle in the way of this practice by requiring that parcels of real estate must be held for one year, free of encumbrance, to qualify an elector, but the limitation was not always observed. Poll taxes were abated for persons of little property, and even town paupers found selectmen willing to admit them to the polls. The property qualification, nevertheless, was retained on the statute books until 1845.

In view of this tendency on the part of our forefathers to shape their policies by traditional considerations rather than by the constitution, we may raise the question as to whether the state underwent any important political changes in the years immediately following 1818. Respecting the general subject of government finances, it will be found that the Republicans adopted a policy of economy, and enforced it so strictly that many came to regard the treasury officials as cheese parers. Legislation in 1818 and 1819 materially reduced the liability of the state for the support of paupers, so that the Connecticut system of poor relief became the nearest approach to a purely town plan that could be found anywhere in America. In 1818 the Superior Court bench was reduced from nine members to five, a measure which saved the state some four thousand dollars a year. A little later, new regulations respecting the militia and state's prison further reduced yearly expenditures by seven or eight thou-

sand dollars. This policy was a reasonable one when first inaugurated, as the nation suffered a period of hard times from 1819 to 1821, but it was continued long after the real need for economy had passed. The program had an unfortunate result in that it prevented the state from encouraging the advance of agriculture or industry and, more serious still, from making adequate provision for schools, insane asylums, and institutions for the deaf, the dumb, and the blind. Until after the middle of the century, humanitarianism was entirely a private concern, and local politicians set aside only small sums for philanthropy, sums which cared for less than half of the needy cases.

But the picture of Connecticut's development during the early years of constitutional government is not quite as dark as the preceding features would seem to indicate. In 1819 the Republicans reformed the system of state taxes so that the burden on small farmers and tradesmen was lessened, and that on wealthy holders of stocks and bonds increased. Five years later aliens were freed from the necessity of petitioning the legislature for the right to purchase, hold, or convey real estate, permission to do these things being entrusted to the Superior Court. In 1828 the first amendment to the constitution was adopted, a measure which divided the state into districts for the election of senators, and thus gave the people more control over the selection of candidates for the upper house. The senate was at the same time increased from twelve to twenty-one members.

Some other features of political life, which cannot be attached to laws or debates in the assembly, show that as the year 1830 approached the people were beginning to take a greater interest in governmental concerns. From 1819 to 1828 there had been but one political party of any

size, the Republican, but after the latter year elections were contested by two and sometimes three strong organizations. Officials no longer enjoyed extended terms, so that governors seldom remained in office more than two or three years, and assemblymen kept their seats but one or two sessions. These changes, however, were forced upon the state by the Jacksonian-Democratic party—they did not result from any ideas embodied in the constitution of 1818. Hence for at least a decade following the close of the convention, Connecticut was governed by the same principles that had been observed before the advent of a reforming party. The men who ruled the state were different—they were Republicans instead of Federalists—but their opinions were shaped by the same conservative training that former magistrates had received in little red schoolhouses and the white churches on barren hilltops. The making of a new constitution did not mark the beginning of a new era—it only threw into clear relief the fact that eighteenth-century habits of thought and action were still in the ascendency. This situation was later modified to some extent, because in the second quarter of the century secular trends in education and the rise of an industrial society forced the state to become more democratic, and certainly more progressive. But in the early constitutional period Connecticut had a government not of laws, or of men, but of traditions.

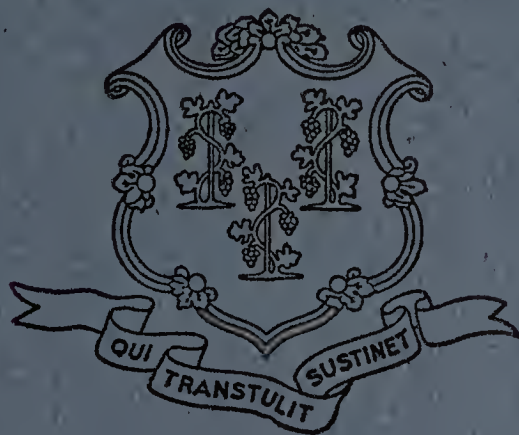
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THE available works on Connecticut history do not treat the period following the adoption of the constitution in a satisfactory manner. The latest, and best, general history of the state, published in 1914 by George L. Clark, does not furnish the reader with much material on politics subsequent to the Revolutionary period, as the author was especially interested in economic and social problems. An earlier work, by Alexander Johnston, published in 1887 in the American Commonwealth Series, is very inaccurate for the years following 1818, and I have found, on the average, two serious mistakes a page for the chapters covering the middle years of the nineteenth century. The large coöperative work edited by Norris G. Osborn, contains several good essays on non-political features of local history, among which the following are especially worthy of note: E. H. Jenkins, "Connecticut Agriculture"; G. B. Chandler, "Industry"; and Mrs. S. K. Mitchell, "Social Life and Customs." With these exceptions the historian must turn to original sources for material relating to the state in the nineteenth century. For those interested in a further study of local history through the medium of available printed works, I recommend as a guide the bibliographical notes appended to the work by R. J. Purcell, *Connecticut in Transition, 1776-1818* (Washington, 1918).

Connecticut History

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The New England Meeting House

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COMMITTEE ON HISTORICAL PUBLICATIONS

*The New England Meeting House*¹

NOAH PORTER

THE New England meeting house is the symbol of much that is characteristic of the New England life. Its erection was the starting point of every one of the earlier New England communities, and it has been the rallying point for nearly everything which is distinctive in their history. Around it are gathered the most interesting associations which bind the New Englander to his early home. For these reasons it has been selected as the topic for a few rambling thoughts which may be appropriate to the present occasion.

A meeting house supposes an organized community or society of men who have occasion to assemble together at regular intervals of time for the transaction of public business or the discharge of public duties. Inasmuch as the New England settler regarded the meeting house as

¹This paper was written by the Rev. Noah Porter, president of Yale College, who died in 1892. It was read by request before the New England Society of Brooklyn, New York, on the evening of December 5, 1882, and printed in the *New Englander* for May, 1883. In preparing the article for inclusion within this series of pamphlets, a considerable portion of the material has been omitted as not of special interest to the reader of today, who will be careful to note the date (1882) when the paper was prepared.

almost the prime necessity of his life, if not as essential to his existence, he must have recognized himself most distinctly as what Aristotle calls a *political animal*, that is, an animal made for society and holding definite relations to the community. I make this observation because the impression is very commonly entertained that the typical New Englander, with all his excellencies, has pushed individualism to an extreme; that in his vivid sensibility to his private interests and rights he has often been insensible to his public duties, and that in excessive responsibility for himself he became altogether too careless of his fellow men. Hence as is reasoned, the tenacity and general impracticability with which he is supposed to have exemplified the right of private judgment. Hence the pertinacity with which he demanded a reason for every doctrine and measure, and the slowness with which he was convinced. Hence the silly stiffness with which, as some flippant critics insist, he rejected the rites and usages of what is called "the historic church" of England, and tried every existing practice and arrangement in church and state by some ideal standard of impossible perfection, either insisting with impracticable pertinacity upon useless reforms, or separating himself from those organizations which did not conform in every particular to the supposed divine will.

I do not deny that the New Englander carried many things to excess, as, for example, when he required a divine sanction for every religious observance, and even for every trivial action, going to such an extreme, as Coleridge humorously says, that he would not apply a corn plaster without a text of Scripture. I wish, however, to emphasize the fact, once for all, that he was emphatically what Bishop Hackett calls a *public soul*, that he was anything rather than an individual, separated from, or

disbelieving in organized society, or unmindful of his responsibilities to his fellow men. The typical New Englander did not cross the ocean to enjoy an isolated independence or to exercise what was called *soul-liberty* in the separate indulgence of his imaginative whimsicalities or the independent service of a private religion. The few who came hither with such theories, or who adopted them after they landed, like Roger Williams and Henry Vane, were strangers to the true New England spirit and the true New England theory. They did good service in their time, but it was not the special service to which the New Englander was called. They tempered the sharp grittiness of the original steel to an elastic flexibility, but they added nothing to its masterly power to build and defend. Whatever else Roger Williams accomplished, and all the rest of the "advanced men" of his time, they built few meeting houses, they organized few communities, they provided few schools, they laid out few villages, they contributed very little to that remarkable organic and constructing power, and that indomitable public spirit which you can trace wherever the New England emigration has spread itself all over this land. The intolerance of the New Englander towards all sorts of intruders, the Quakers, the Baptists, and the Prelatists, grew out of his jealous zeal for the ideal perfection of the Christian commonwealth. It is explained by his devotion to what he conceived as the ideally perfect society, which he was called by God to build up in Massachusetts and Connecticut, leaving Rhode Island and the Providence Plantations to try their own experiments.

But to return to the meeting house. It was needed for an organized society, and that society was a church, that is, a community ordered after what was believed to be the one divine plan, definitely outlined and expressly

sanctioned, as was supposed, by the highest authority. This society, in the eyes of the New Englander, should be small enough to meet in one place and perform all its functions within a single edifice, but in respect of authority be independent of all the world besides. Mark you, in respect of authority, but not in respect of duty; the duty to admonish and protest to other churches and the duty to receive admonitions and protests from them. While each of these churches was so tenacious of its theoretic isolation and its unshared autonomy as not even to recognize the minister of any other church as having any official relations to itself, it was held by its very essence and aim to be so closely confederated with every other church as through council and synod to be capable of a well-compacted organization, such as was needed in the early generations of the New England life.

Out of the church grew the town; or rather the town was evolved or developed along with the church. Whether church members, as in Massachusetts and New Haven, were at first the only voters, or whether as in Connecticut, the town voted into its commonwealth, those men, and those only, who were fit to be freemen, it was all the same, as the church was the germ and the meeting house was the center of the self-governed commonwealth, and became the scene of all those public transactions which should connect man with his fellow man, and with his God, in an organized and common life.

It was of necessity, then, that the New Englander should provide a meeting house as soon as a church and a town were organized. The edifice was called a meeting house; possibly at first because it was to be used indifferently as a place for both religious and civil transactions. To the early New Englander both were equally solemn and sacred. Then again, being performed by the same

persons, and in an equally reverent spirit, there could be no thought of desecration or indecorum in the association of the two functions with the same place. The New Englander would not call this building a church. That, in his view, was a sacred and significant name, which should be applied only to one of the most exalted conceptions which had ever come to the mind of man. For any other use of the word there was, in his view, no warrant in the Scriptures. In the language of Richard Mather, "There is no just ground from scripture to apply such a trope as church to a house for a public assembly."

The original structures were doubtless built of logs and thatched, with here and there a possible exception. None of those of the first age are now standing. We know the dimensions of one built in Dedham, Mass. in 1638, viz., that it was 36 feet long, 20 feet wide and 12 feet "in the stud." The oldest dwelling house in New England, and probably in the United States, is in Guilford, Conn. This was built in 1639, but it was built of stone, with very thick and solid walls, and is in excellent repair. There is a tradition that the first church in Guilford was also constructed of stone. This is the more probable as the town abounds in ledges of more or less loosely-lying rock material. This, however, did not hold of the majority of the New England towns. The number of stone buildings of any kind was singularly small. Perhaps this is to be accounted for by the native tendency to work in wood, with the pen-knife as well as the axe. More soberly, the difficulty and expense of procuring lime and the want of skill in quarrying and fitting stone, with the greater labor involved, must be accepted as the probable explanation. In what may be called the second period of church building, the structures are known to have been covered with boards or planks, either sawn or rived. Their inte-

riors were ceiled with boards, and often packed with clay or rude mortar. The structure was square, or nearly so; the roof was pyramidal, and terminated in a belfry over the center, requiring the bell ringer to stand in the middle of the edifice. We have an excellent example of a building of this type in the meeting house at Hingham, Mass., built in 1681, which is still in good preservation and in constant use. The original churches in New Haven and Milford were after this model, and were respectively 50 and 40 feet square, each with a tower, so called, in the center.

A marked deviation from this type, with close adherence to its genetic features, is furnished in the meeting house erected for the First Church in Boston, the most expensive and elaborate up to its time, which was erected in 1713, and survived till 1808. This was built of brick, rectangular in form, with sides nearly equal, furnished with a porch on the longest side, and crowned with a pyramidal spire from the middle of the roofridge. It was three stories in height, and probably had two galleries.

In 1723 Christ Church, in the same city, was erected for the second Episcopal Society, and is still standing, except that its steeple was replaced after having been blown down. This is after a new pattern, in that the form deviates very decidedly from the square, and becomes rectangular. In this particular it follows the London churches, built after the great fire by well known architects. The form of these churches is not an accident, but in it the idea of the altar and chancel is recognized. These more sacred portions of an edifice would naturally be withdrawn to the end for comparative seclusion and ampler room. This edifice was elaborate and elegant, and is at the present day a model of its kind, as well as interesting for the most stirring associations. The first Episco-

pal church of Boston, the antecedent of the famous King's Chapel, was built for the Royal Governor between 1687 and 1689, and though furnished with something which might be called a steeple, a tower, and a chancel, and so far following the ecclesiastical type, was ugly enough to match any of the ugliest churches of the Puritans, and effectually to redeem the Puritan principles and tastes from any special responsibility for the defective architecture of the times. This building was succeeded in 1749 by the well known King's Chapel, which still survives, and is at once admirable for its architectural interest and memorable for its theological and ecclesiastical history. It is to be regretted that the steeple which was to stand upon its solid tower was never completed. Its peristyle was not added till 1790. Long may it stand, with Christ Church and the Old South, in its simple and massive dignity, tempered with reverend grace.

But the most important advance in the history, or rather in the evolution, of the New England meeting house was the erection of the Old South Church in Boston in 1729-1730. I would not dare to affirm that this was the first of its kind, but it certainly may be taken as the typical model of the New England meeting house for nearly a century. It has a spire upon a tower rising from the ground, with a porch at the opposite end, and the pulpit upon the longest side. This church was furnished with two galleries, as was true of a few other churches of the last century, e. g., those in Milford and Guilford, in Connecticut, these being very populous towns, and others in Massachusetts. The Old South was finished in 1730. There are several churches besides this which still survive which are substantially like it, though finished with different degrees of elegance and expensive-

ness. I should conjecture that this church set the fashion of the New England meeting house for nearly a century, during the period when New England began to be conscious of an independent and an individual life. Very many have, within the writer's recollection, given way to those of more modern type. Among the best of those which survive are the meeting houses in Wethersfield and Farmington, Conn., the first of which was commenced in 1760 and the second in 1771. The first is 80 feet by 52, and the second is 75 by 50, exclusive of porch at one end and steeple at the other. With the present century, and the advance of wealth and culture which followed our establishment as an independent nation, the New England meeting house assumed another form, conforming more nearly to the churchly style of London architecture. Of this we have admirable specimens in Park street church, Boston, in the two edifices on the New Haven green, and those in Guilford, Springfield, and many others. A fine example in Northampton, Mass., was unfortunately destroyed by fire a few years since.

The first steeple in Connecticut was erected in Guilford in 1726, and attached to the meeting house previously built in 1712, which was 68 feet long and 46 feet wide. It was expressly voted that "the belfry and spire of the *meeting house* shall be built in the fashion and proportion of the *church* at Newport, Rhode Island." The *church* referred to is doubtless Trinity Church, which is still standing, and retains the organ given to it by Bishop Berkeley about 1730.

Having followed the growth, or, in modern phrase, the evolution of the New England meeting house in its form without and within, we should give a word to its interior. This was originally bare and unattractive enough. Building stuff in the rough was abundant, but boards that

were sawn were not easily procured. Bricks were scarce and expensive, and lime for plastering must have come from remote situations, or from shell-fish out of the sea. Many of the chimneys of the dwelling houses of the third and fourth generations were of rough stone, laid up chiefly in clay, and of such not a few are standing in the oldest dwellings to this day. Pews were not provided at first, even for the governor or his deputy, although their seats of honor were properly dignified by position and formal designation. Now and then, in the earlier part of the second century, a vote authorizes some worshipful gentleman or his lady, to construct a pew at his or her expense. It was a great step in luxury and dignity which made high and square pews universal, and a great step for convenience and edification when they were finally abandoned. It deserves to be recorded also that, in Massachusetts very generally, and the parts of other New England States which were affiliated with Massachusetts, the pews were made more airy and elegant by open panels, variously ornamented with open work. Through these openings the younger worshipers could communicate with one another during the long sermons. They were also provided with movable seats, which were turned up for the convenience of the worshipers who sought support as they reverently stood during the long prayer, the conclusion of which was noisily signalized by a most irreverent din, which was more or less aggravated by the additional emphasis with which the boys would contrive to express their *Amen*.

The meeting house of New England was never lighted, except by the sun, until singing schools made it necessary to introduce candles and rude chandeliers. Night meetings in the meeting house were considered highly indecorous and questionable even by the most zealous. No

firing was provided for. Stoves were utterly unknown, and open fireplaces were not to be thought of. Even the rude and dangerous devices, which afterwards were matured into the not uncomfortable foot-stoves, were at first unknown. The New England meeting house was never warmed by artificial heat till from 1810 to 1820. Of a cold winter morning the breath of the worshipers not unfrequently would seem like smoke from a hundred furnaces as it came in contact with the frosty atmosphere. The walls which had been almost congealed into ice by the fierce northwesterners of the preceding week, would strike a chill of death into the frame of many of the congregation. That they should come to such a place as this, on a snowy morning, plowing through unswept walks, and plunging through fearful drifts—man, woman and child—and sit with half frozen feet under long discourses on knotty doctrines, makes us shiver as we think of it, and say from the heart, “herein is the patience of the saints.” And yet the writer’s memory can distinctly recall the observation and experience of scenes like these. The experience was not so cruel as it might seem. Manifold devices against the cold were provided. Some that are now deemed indispensable were not needed. The free-handed and open-hearted hospitality of the houses near the meeting house was freely proffered and as readily accepted. Enormous kitchen fires were expressly replenished for Sunday uses, before which scores of worshipers, from a distance, warmed their persons and ate their luncheons, and at which they replenished their foot-stoves. The merchant, the innkeeper, the squire, the doctor, the retired money-lender, the wealthy widow or Lady Bountiful who lived near the meeting house, all esteemed it their duty and their pleasure to manifest this reasonable hospitality. Slight and natural as it was, it helped to

bind and hold together the little community by the ties of common sympathy. At summer noons the farmers would gather in knots together on the sunny or shady side of the hospitable old meeting house, and the women would huddle into knots within the circle of some friendly pew, and tell the news of neighbors and relatives far and near, sometimes, but not always, observing the rigid ethics concerning Sabbath observance which were taught from the pulpit, but always decent and reverent in voice and demeanor. To provide against all contingencies, adjoining neighbors from a distance would sometimes erect a plain structure upon the meeting house green—a Sabbath-day house, so called—of one or two apartments, with ample fireplaces, which relieved somewhat the draft upon the often overburdened hospitality of those who dwelt under the droppings of the sanctuary. These structures have nearly all disappeared with the occasion which brought them into being. Now and then the remains of one are identified by some village antiquary, as applied to some baser use—of stable or granary.

In speaking of the meeting house as a material structure, we have anticipated its relation to the social organization in which it held the most prominent place.

We notice, first, that the meeting house was the *central* building in the village and the town. To this, as the most important edifice, was assigned the most conspicuous and honorable situation within or fronting *the meeting house green*, which was the general gathering place for military musters and every other outdoor assemblage of the parish or town. The post office and village inn were always near it, with the stocks and the whipping post; often one or two of the most important shops—the office for the lawyer and doctor, one or more. Sometimes several streets radiated out from this as the center. If there

was one long and rambling street, the meeting house was as near as possible to the center of the population. If the street were very long and the houses in consequence of one end of it increased out of natural proportions, questions would sometimes arise as to the proper site for the next structure. Now and then a contest between the north and south end, or east and west side arose, and at last two meeting houses in place of one, and the once peaceful village would be sundered into two factions, and the deserted old green would remain the melancholy memorial and witness of departed greatness or intestine strife. But this occurred in later times, and only now and then. Usually the meeting house retained its original central glory from the days of the fathers. This glory was by no means insignificant. The place of the meeting house being fixed, a village was certain to grow up beneath its sheltering and inspiring life. It is an important factor in the growth and development of New England history, that the mother settlements, more or fewer, of the first century, and those which gave character to all the rest, were in large villages, more or less compact, with a shaded street, ample home lots, well filled barns, and all the conveniences of mill and mechanics' and merchants' shops ready to their hand. These village communities, with their outlying farm- and wood-land, have been no unimportant feature of the New England life, and explain many of the marked peculiarities of its religious and educational life, of its intelligence and inventive skill, of its enterprise, its thrift, its energetic public spirit, and its emigrating success. Nearness to the meeting house in days when horses and cattle were few, and vehicles almost unknown, was no insignificant circumstance to the early New Englander who had crossed the ocean that he might construct and enjoy a church which his conscience ac-

cepted and approved. The loneliness suggested by long stretches of intervening forest, the well-grounded fears during two or three generations of savage treachery or surprises, the costly wars which wasted the strength and cut short the lives of a sparse population, and all the attendants of a dependent and depressed colonial condition, compelled to an intense social life within these little communities, each of which was shut up within itself, with rarely or never a newspaper, with scarcely a post office for the first century or more, and with rarely a journey for wife or child, and never for a man, unless it were upon a voyage, a hunting expedition, or a campaign.

The meeting house in New England invariably supposed an organized church—indeed no New England plantation could be conceived as existing without this divinely appointed and life-giving center of life. The church was a community of elect souls who accepted, or, if you please, elected, one another as sympathizing in a common Christian faith and hope and joy, and as finding in one another the evidence that they had been called of God.

The church being organized, it forthwith proceeded to elect its minister, one who was commended to their consciences and hearts by holding their common faith and was animated by common sympathies with themselves. He was accepted as their teacher and pastor for life. And when the log-built meeting house was completed and the little community with its pastor had taken possession of it, the unhewn timbers and the hard benches and the rustic roof glowed with a visible splendor, as when the ark of the covenant was borne in state into the temple of Solomon and consecrated it as the dwelling place of the Living God. It was not till meeting house and minister

were provided that the community was prepared to meet the duties and enterprises of their common life. In their quaint language a golden candlestick was set up, as was fondly hoped never to be removed, and the Lord Christ was seen to be present by its side. But before the meeting house was occupied it must be "seated" as the phrase went. That is, the places for occupation must be assigned to each member of the community. Subsequently this seating was by families. In the first meeting house in New Haven the sexes were separated and the places of each person are still on record marking the rank and dignity of every one. A little more than a hundred years since, at the completion of a large and stately meeting house, four men were appointed as a "Seating Committee" and directed to perform the duty of their office "by their best discretion." The first committee having failed to give satisfaction, a second was appointed and ordered in discharging their function "to have respect to age, office, and estate, so far as it tendeth to make a man respectable, and to everything else which hath the same tendency." A few years afterwards in the same community a large committee was appointed "to dignify the meeting house," that is, to determine with exactness the relative dignity of the seats, this having become necessary probably by the introduction of square pews instead of the long seats of earlier times and the consequent disturbance of the wonted associations of rank as indicated by place. To every household and every man was assigned his place, and every household and every man was expected to be in his place. Equality before the law and in the presence of God was distinctly recognized by the New Englanders, but equality in place and station and honor in Church and State was in their view totally un-Christian and they enforced their ideas most emphati-

cally in the meeting house where they seemed to come the nearest to God. Uncouth as were their manners, and harsh their speech, the spirit of courtesy and reverence animated their precise and decorous life. In the first generations in Massachusetts and Connecticut attendance on public worship was enforced by law. By the same rule after which in these days parents are compelled to send their children regularly to the school house they were required to come with them to the meeting house on the Lord's day. On the same principle, till 1818 in Connecticut and till some years afterwards in Massachusetts, every citizen was compelled to support some religious organization by a tax on his estate. This was done in no spirit of religious tyranny but on definite grounds of public policy. What it cost in toil and fear to be present at the meeting house in the first generations no one of us can adequately imagine. But the toil and fear and privation were cheerfully encountered from a sense of duty to God. The traditions are well nigh incredible, and yet are well accredited of the long distances by rough ways and through forests which men and women would travel in order to fulfill what was esteemed the great duty of the week.

Thus was formed the excellent habit which has done so much for the New England people of regular attendance at religious worship with every Lord's day. What was at first recognized as a religious duty, subsequently became also a social necessity and pleasure. So soon as the original villages began to be outgrown, and outlying farms of generous size were brought into culture several miles from the central village, it was a thing of course that "young men and maidens, old men and children" should have manifold reasons, when Sunday morning came, besides those of conscience for responding to the call, "Let

us go up to the house of the Lord." It is not easy to conceive of a more inspiring scene than the gathering of a country congregation [today] from a wide-spread township on a pleasant Sunday morning. The vehicles are of every variety from the pretentious landau down to the most dilapidated of single wagons with a horse to match it. The families vary in size and quality from eight or twelve of sturdy parents and buxom daughters with three or four sons on half broken colts behind, down to a pair composed of a staid old bachelor with his prim sister in their tidy vehicle with a circumspect and comely steed—all driving and riding at every conceivable pace, but all fresh with health and exhilarated by the morning drive. As they approach the meeting house they slacken their pace, their manner becomes more grave and circumspect, and they politely wait for one another as they approach the landing places to disembark their freight. During the protracted services including the nooning the horses must now and then become restive. When the squealing, and kicking, and biting became too indecorous to be endured, two or three young men of the horse-taming sort would quietly slip out and bring the irreverential beasts to the requisite Sabbath sobriety. But the interruption would sometimes make a serious break in the minister's wiredrawn argument. After the second service is over all is bustle again. The horses are scarcely more impatient than their drivers—one vehicle after another receives its freight and is off, the colts and unduly excited horses for a few moments bringing the foot passengers into mortal terror. But after a few brief demonstrations the homeward bound vehicles fall into line—the village street is one long cavalcade and in a few minutes all is quiet and lonely. The foot passengers discuss the sermon and many things besides. Those in the vehicles distribute the news they have

gathered and recall the sermon, it is to be hoped, during the week, for they refer to it often when the minister calls on his rounds.

The annual Thanksgiving festival was the one occasion when the meeting house and its worshipers could be said positively to relax from the traditional New England severity and to put on a genial and joyful aspect. In the old times, I have been told by those who knew, that the large brick oven was carefully heated and the chicken and other pies were consigned to its faithful ministrations, while the entire family repaired to the meeting house in full faith that the dinner would be done to a nicety against their return. In later and somewhat more degenerate days the mother of the household was conspicuously absent with the consent of the congregation, especially if she had a special reputation for the delicious flavor of her baked meats and roasts, and the irresistible composition of her pies. In the better days the congregation was large, being pleasantly reinforced by various representatives, from far and near, with wife or husband and children. The Thanksgiving anthem was given with excited zeal and listened to with complacent admiration or critical discrimination. The long prayer was offered with a more copious amplitude and freedom than was common and a more glowing fervor. The sympathy of the congregation could hardly be restrained as they noticed some bereaved household and thought of the beloved youth or parent who had gone. The sermon was more glowing and rhetorical than the discourse of ordinary Sundays, and was listened to with more marked attention. Possibly some subject of local interest or enterprise was proposed or discussed, which might involve an expenditure of money or the venture of new enterprise. The blessings of the year, in the early and later harvests were

gratefully recounted with a recognition of the blessings in disguise of a frost and a drought. The goodness of God was at least one day in the year definitely recognized in the old meeting house, and in a manner and with a fervor which the most exacting Arminian or the most tenacious Liberal could require. The duty of the rich and the prosperous to the poor and the straitened was plainly enforced by the preacher, and it was generously fulfilled by his hearers.

The rigorous Fast day—of all days the most odious and inexplicable to the youthful New Englander—was redeemed by nothing except the enlarged freedom and secularity of speech which was allowed to the minister and expected by his hearers. This was the one day on which he was expected to free his mind in respect to the sins of politicians, especially after the accession of Thomas Jefferson. The positiveness with which this duty was discharged, the point and directness with which the anti-New England policy was discussed, gave a piquancy and interest to the Fast day services, which the solemnity of the day could not suppress. Not infrequently it might happen that the zeal of the preacher would altogether outrun his discretion and an explosive reaction would follow in the form of a certificate from the church of “the standing order” and a formal adhesion to whatever sectarian body happened to be most promising for political advancement. To a young minister the perils of Fast day were sometimes very serious, and the older and wiser men of the church took a long breath when they were fairly passed, and they felt that the church had taken no detriment.

These scenes remind me that the decorum and dignity which in theory were exacted in the New England meeting house were not always maintained. Those who com-

plain of the austerity of the New England ways in the early days, and the fearful stiffness of the manners of young and old, and bestow an abundance of sympathy upon the young Puritans for the unnatural constraint to which they were subjected in the meeting house may spare their compassion. There was a lustiness of youth in that young blood, which could not and would not be controlled. It was not always, perhaps not usually, wicked, it was simply irrepressible. It often broke out in the meeting house, and occasioned infinite trouble to the elders. Even the fear of the tythingman could not always avail. The anticipated reproof of father and mother, the pointed reprimand of the minister from the pulpit were all in vain. The galleries swarmed with youthful life. The inmates were practically relegated to this court of the Gentiles, as hopeless subjects of their natural impulses, till the grace of God should bring them to a better mind, and it is not surprising that under this theory there should now and then occur some alarming outbreak which illustrated and proved afresh the doctrine of total depravity.

Whatever may be thought of the theology of the sermons which were preached in the New England meeting houses it will not be questioned that they educated the people, and for the first century were their most efficient instructors. The schools were irregular and insufficient. There were no newspapers, or next to none. The books were few and chiefly books of devotion and controversy. Physical science was almost unknown. There were scarcely any lawyers, and medicine as a profession was scantily and feebly represented. The minister was the oracle upon almost every subject. He was generally a man of classical education, a good Latin scholar, tolerable in Greek and Hebrew, with a fair knowledge of geometry

and algebra, and some acquaintance with physics and astronomy. But he studied the Bible, and his theology and ethics involved reflection on those themes which never grow old, of man's duty and destiny, of God and His kingdom. The preaching earnestly and affectionately applied these truths for the guidance of the life in those duties which are acknowledged by all men to be binding, and to those aspirations and charities which are always as bright and sweet as the sunlight. The sermon and catechism implied earnest thinking on the part of adults and some training in letters on the part of children. There was nothing the New England minister so much deplored as ignorance and barbarism in his flock. He never discouraged study or the use of books, or the foundation of schools and colleges. He was foremost in the foundation of libraries, many of which are nearly a century old, and in stimulating culture of every description. For all these reasons every meeting house was of necessity a center of culture, a school of good manners, a training place for decorum, an enforcement of order, in the name of the living God and in the interests of the kingdom of Christ.

The worship might perhaps seem rude to us, and the sermons unfinished and uncouth, and the culture and education from both to have been of a negative value. We should remember as we drag through the old sermons, and the books of ghostly counsel, and the poetry of doubtful inspiration, that the first preachers of New England were two generations and more earlier than Locke, three before Addison, and five before Johnson. We should not forget that Milton and Sir Henry Vane, their contemporaries, were in prose diction often pedantic and unfinished, though usually eloquent and strong. Of one thing we may be assured, that had it not been for the meet-

ing house and the ministry of its first century, New England would have sunk into barbarism, and neither school-master nor school would have flourished in New England, and if not there, surely nowhere in this land.

We ought not to forget that very early, under the inspiration of the ministry and under the very shadow of the meeting house, school houses were erected for all the children of the parish and the town, and that like the gospel, education was enforced upon all the children, and all the parents were taxed to pay for it; and the neglect of such advantages was denounced from the pulpit as a sin against the commonwealth and against God. As the fruit of this religious inspiration and religious sanction in New England the public school system has taken its strong hold of the people of this country. The great number of select schools or academies which have from time to time come into being, some of which have become permanent and endowed, and some transformed into colleges and seminaries, is explained by the constant inculcation by the minister of the Christian duty of sustaining the higher education. The founders of all of the New England colleges have been conspicuously clergymen, and in hundreds of New England meeting houses have been heard the admonitions and teachings which have sent millions of dollars into the treasuries of our higher seminaries of Christian learning. From the earliest days till now the minister was usually one of the authorized school visitors in the smaller towns, and not a few clergymen still serve in this capacity. Nor should we forget those annual exhibitions of the schools of the town, which of necessity and of love were held in the meeting house, when the first classes of the smaller districts would vie with one another, and matches in reading, and spelling, and arithmetic, and grammar, were hallowed by the

sanctuary and blessed by the minister, while the entire community looked on with sympathizing favor. Not infrequently dramatic exhibitions have taken possession of the house of worship in the interests of the village academy, and many of the devices and arrangements of the theatre have been displayed in a Puritan meeting house, which in its earlier life had never been desecrated by a *night meeting*. When Sunday schools were first introduced, about sixty years ago,² a few of the adherents of the old ways shook their heads in distrust, but very soon the great doors of the oldest meeting houses were thrown open for their heartiest welcome, till the Sunday school has now well nigh usurped the functions of the minister, or the minister has in some cases ceased to teach with that authority and earnestness which in the olden days he never failed to assert for his office and for himself.

I ought not to omit the culture of sacred song as a most important accessory of public worship and incidentally a means of social and individual refinement. In the first generations of New England the poetry and singing were rude enough and very little of culture could come of either. Two or three uncouth versions of the Psalms were all the sacred melodies which the worshipers knew or used in public or private worship. Some five or six tunes were all that were used by any congregation. Early in the last century the "new way" of singing was introduced, presumably by the new version of Dr. Watts with the new tunes. The novelties which the new melodies demanded occasioned serious divisions among the people, and now and then some scandalous scenes in the meeting house, each man following his conscience after a very unedifying fashion. But in the end the new way prevailed—as it always must, provided the new represents the true.

² That is, about 1822.

In some congregations the advocates of the old way were permitted to leave the assembly before the last singing in the afternoon, which followed the new fashion. The commotion made by the departing malcontents as they tramped along the aisles and down the gallery stairs, was long remembered as an emphatic example of how vigorous can be the protests of an exasperated conscience. These controversies continued for nearly a half century, till finally Dr. Watts (the new way of singing), and separate choirs triumphed, and with these came in that cultivation of sacred music, which for nearly a century at least has made the New England meeting house so efficient an incitement to the musical culture and incidentally to the refinement of the community. In connection with formal choirs, singing schools became general. In the natural course of human degeneracy, the zeal of the members of the choir would decline and with it their skill would abate. A new generation of singers would also have appeared full of promise and hope, at least in the judgment of their partial friends. Some promising leader and teacher was always ready to present himself, native or from a neighboring parish, with favorable recommendations of his skill and success, and the entire community would be engrossed for a winter with the excitement attending a new singing school under a new teacher.

The excitement attendant upon the singing meetings was manifold, social and otherwise, and at the conclusion of the term a sacred concert would be required and the installation of the new singers in their places in the gallery. Those were memorable days, when a long line of singers stood around the gallery front, headed in the center opposite the pulpit by old ladies and gentlemen and terminating at either end with children in their teens. At first, but long ago, the pitch-pipe and tuning fork were

the only instruments allowed, and these simply because they were necessary. Every other was ruled out by the pointed declaration of the prophet, "I will not hear the melody of thy viols." But somehow a larger viol of greater dignity and sonorousness of sound, got in under another name, till at last an entire orchestra was established in the meeting house in spite of the suggestions of a similarity with the idolatrous concert of the "cornet, flute, dulcimer, sackbut, psaltry." The singing school, moreover, was often a convenient place for flirtation and sometimes the occasion of parish discord and strife. The musical tastes of the choir did not always harmonize the tempers nor even the voices of its members. And yet study and the practice of sacred music with reference to its effective and appropriate rendering in public worship, have been from one generation to another a most effective means of culture to thousands of individuals and families. Hundreds and thousands owe to the singing school and meeting house choir the beginning of their musical culture, and the discovery and development of what has been the solace of their lives. The singing schools and Sunday choirs of New England are in many respects distinctive and should never be omitted in our recollections and estimates of the New England place of worship.

Probably there is no particular in which the contrast is more striking between the peasantry of Old England and the yeomanry of New England, than the singing of the country churches. Perhaps there is no single feature by which the New Englander in the country is more distinguished than by the self-reliance and aspiration which leads him to confront any exigency and to address himself to any enterprise, whether this involves his personal fitness for any activity of life, or his confidence of success. The universality of the taste for music, the attention

paid to singing, the diffusion of musical instruments among the homes of New Englanders and the New England emigration is to be ascribed almost entirely to the New England choir and the New England meeting house.

I have spoken of the positive village life of New England and the compact organization by which its families were formerly united together by religious and social bonds. Those influences which now exist were greatly intensified, in the earlier as compared with the present times. Few of us can adequately conceive of the seclusion of the great majority of the New England villages two generations ago. Even those which were on the great roads and rivers or harbors were shut up to themselves and their own resources. They were singularly "self-dependent and self-sufficing." They were in an unusual degree "self-contained," to use an expression applied by the Scotch to a dwelling, which from basement to roof-tree is a single tenement, as contrasted with any variety of tenement or apartment houses. A community which is shut up to its own inhabitants and rarely sees any other, which has few books, few letters, few newspapers, if it has any energy and power to be roused, will make the most of what it has within itself. Especially will this be true if it has the rude vigor of youth and hope and enterprise. In such a community every strong-minded man, every strong-hearted woman, every noticeable event, every sudden death, every lingering sickness, every public excitement, every striking piece of news, every sermon or public discourse, every visit of a stranger will make its definite and abiding impression. If the community be large enough and sympathizing enough it will move strongly and unitedly in response to any local excitement.

All these conditions of intense and marked individuality were fulfilled in the New England communities, and as

everything in their faith was referred to the plan, and purpose, and kingdom of God, as these were expounded in the meeting house, it is not surprising that the meeting house and the weekly worship, and the minister, and the church left its impress upon every man, woman, and child. In this solemn place the members of an entire community knowing one another's history, and position, and reputation, assembled every Lord's day for their common worship. They were no stupid boors, no thick-headed peasants, but all men of marked individuality, with opinions and prejudices, an originality and a humor of their own. Many, not to say the most of them, were keen witted, original, self-relying in their intellects, even if they were limited, and prejudiced, and obstinate. Every man of them had a character. Every man had made for himself his place in the little organism, and every man acted and reacted upon the other with more or less of quickening energy. Even the daring unbeliever, of whom every community could show here and there one, or the habitual absentee from the sanctuary, whose house and fields were supposed to be accursed, each had his lesson to impart. Every man and woman and household became an element of life and energy in this seething commonwealth, in which every element was charged with an intense and individual vitality.

Scant justice has been rendered to the intellectual and business activity, to the far-reaching enterprise and the domestic inventiveness of many of the best New England villages, after they had fairly emerged from the barbarous age of struggle with nature, and the military age of battle with the Indians and the French, and the maturing age of separation from England. In some of these villages in the old time of their isolation and consequent internal self-reliance and enterprise almost every one of the trades

was represented by some conspicuous workman, whose work was honestly and honorably done, and whose name was a pledge of its fidelity and trustworthiness. Now and then a single merchant in an inland village has made himself conspicuous by a successful business adventure in the West or East India trade. From not a few New England towns before the Great West or even Western New York was heard of, regular outfits were sent forth to the fabulous South, which allured many a promising young man to its profitable traffic and opened the way to large fortunes. When Vermont, New York, and Northern Ohio displayed in the eyes of New England the tempting promises which have become such splendid realizations, there were found in the most secluded New England villages hundreds and thousands of youth who were intelligent enough to appreciate their significance. When subsequently the prairie States and still later the mining territories repeated these promises, wherever there was the New England intelligence and the New England enterprise, whether in the New England at home or the emigrant New England abroad, there was a ready and bold response. It has come to be a proverb to those who have studied into this New England life, that the more remote and lonely is the hamlet at home, the more widely has its stock been expanded abroad, first through the counties of Litchfield and Berkshire, then through the settlements of Vermont and Western New York, then into Northern and Central Ohio, then into Michigan, then into Iowa and Minnesota, and still onward through Dakota, Montana, and Oregon. But wherever it goes, it carries with itself, the self-reliance, the mother wit, the helping hand, the sympathizing heart, the quickened conscience, the fear of God which the meeting house wrought into the original life of the little village; which

has sent forth the threads of this mysterious life all over the continent and even across the seas.

But nothing more forcibly illustrates the excellent quality of this old village life than the development of the villages into the large and wealthy manufacturing towns and cities of New England itself. Scores of such towns and cities might be named which once yielded scanty returns from the hard hillsides and scanty valleys, but are now abundant in the profits of active invention and the accumulation of capital, all developed and gathered from within themselves, the growth and accumulation of which are to be distinctly traced to the individual genius or enterprise of some farmer's son—whom the school and the meeting house and the village life first stimulated and trained to his self-reliant enterprise and his indomitable public spirit.

The meeting house has fulfilled other functions than those directly and indirectly religious and intellectual. It has been also the political home of the community. For many generations the town meeting was held within its capacious enclosure. That a political meeting should be held in a house devoted to public worship now seems a grave offence to the conscience of some people of culture, and at all events a grave and rustic indecorum which is worse than a sin. The New Englander of the old time could think no such thing, for to him at first the church and the organized town consisted of the same persons. Subsequently also the doctrine was distinctly held that the town existed and should be controlled for the good of the church. From this point of view it was impossible to see any incompatibility between a town meeting and a meeting house.

It is a mistake, however, to suppose that this is a New England notion, and that no other people are guilty of

sacrilege in this particular. So soon as houses of worship were erected for Episcopalians, special pains were taken to claim them for a special sacredness. The story is told of a company of boys who found themselves in the gallery of a new Episcopal church, several of whom were somewhat boisterous and irreverent, when one of them remonstrated with angry reproof: *I say, boys, I'd have you to know that this is not a Presbyterian meeting house.* The notion which was formerly rather industriously diffused, that political and secular meetings are never held in the houses of worship belonging to the Church of England, does not happen to be correct. The author of *John Halifax* writes as follows: "The poll was to be held in the church," that is, for a parliamentary election—a not uncommon usage in county boroughs. Not very long since a message came from Boston in Lincolnshire to Boston in Massachusetts, that the same was true of St. Botolph's church in the mother city in England.

But whether or not the town meeting might properly be held in the meeting house, there can be no doubt that it was held there in fact for many generations, and that it did good service for the church and for the world. In the better days the town and other political meetings were opened with prayer, and not unfrequently the freemen of the town were treated to a sermon. I have before me printed copies of two sermons delivered in the same meeting house before the freemen of one town—the one in 1774 on the sin of the slave trade as allowed by the state of Connecticut, and the other in 1813 on the solemnity and obligation of the freeman's oath, which was then exacted of all voters in the commonwealth.

Nor did the minister confine his political discourses to the town or freemen's meeting. Here and there a bolder spirit did not hesitate to carry politics into the pulpit in

his regular ministrations, but these exceptions were few. The New England clergymen were usually gentlemen, and observed the rules of a somewhat punctilious decorum. I need not repeat what is familiar to all, that the town meeting of New England is the one institution of all others that has been efficient in maintaining on the part of all the voting members of the commonwealth a sense of their duty to watch the officials who are called to public trusts, and on the part of the officials of their duty of rendering an account of their doings to those who intrust them with office. Every citizen is concerned to know how his money is spent for bridges and roads, for schools and the poor, and it is desirable that he should be able to ask for any explanation from the official whom he elects to discharge these trusts. The New Englander has been able to do this from the beginning, and the training of the town meeting has made many a man to be, in the best sense of the term, a statesman. Political fidelity signifies honesty in the discharge of public trusts, and honesty supposes that the trustee understands the business which he undertakes, and can to some extent explain it to others. The New England meeting house has had ample opportunities to inculcate the doctrine that there is but one kind of honesty known to man, and that its lessons are the same for political as for ordinary duties. The meeting house, so far as we know, has never been the worse for the town meetings which have been held in it, and the town meetings have certainly been the better for the meeting houses in which they have been held. The New England pulpit may have been at times mistaken in its utterances in respect to public duty, but never in respect to the truth that political actions and interests should be subject to the law and kingdom of God.

There have been times, and these not infrequent, when it was most befitting that the town meeting should be held in the place of public worship. From those earliest days, when the few Connecticut and the Massachusetts towns were summoned to send their strength into the field against the Pequots, to the days when hundreds of towns from the same commonwealths were summoned to send their tens of thousands to assert and defend the authority of the nation, the occasions have been many when the town meeting held in the house of God has been as serious and solemn as if God had spoken in it with an audible voice. The best soldiers in all these wars have been the men who first looked their fellow citizens in the face and read therein, as it were, the message from God that they were called to go into the field. In every one of these great crises the troops have gathered within the meeting house and upon the meeting house green to invoke the blessing of Heaven. The most cheering thought to many in the field, the hospital, and the prison house has been the thought that every Sunday they were remembered in the public prayers of the congregation. In the war of our independence, the last news from the camp was the theme of anxious discussion between the Sunday services, and during our latest war the services themselves were sanctified by prayer and praises for the life of the nation. This was no less true, when in colonial times the strength and beauty of the New England villages were sent to Lake George and Louisburg to battle and die for what was thought in very deed to be the redemption of this continent for the true gospel. When the first meeting house was built there were seats assigned in it for soldiers who went armed to the house of God, and it will be a long time, we trust, before it shall cease to be ready to bless them, in the cause of good govern-

ment at home or against any invading foe from abroad.

The military spirit did not always die out with the return of peace. It was upon the meeting house green that the appointed trainings and reviews were held, and upon the meeting house steps that the pastor implored the blessing of God upon the train bands of the village and township. We may not forget the half-yearly sports of ball and quoits, to say nothing of the wrestling matches which were observed under the shadow of the sacred edifice on the weeks of the spring Election and of the autumnal Thanksgiving, when the old men vied with youth in earnest and good-natured strife, and the whole township was moved with active sympathy.

Now and then, but rarely, a wedding would be solemnized in the meeting house. Less rarely a funeral, when some grave and eminent pillar in the church or the town, or the pastor mourned by his flock and his fellow elders, or some youth cut down by an illness that moved for weeks his associates in tearful sympathy, or called out of life in a moment by fatal accident. On all such occasions the meeting house would be crowded to the utmost, illustrating the power of a common sympathy to move an entire community. When some mother in Israel has been taken away, a lonely widow, but with a heart large enough to respond to the joys and sorrows of the whole village, or some bedridden invalid whose suffering patience for a score of years has been a constant sermon of patience, the Sunday sermon that followed the burial has left impressions and kindled aspirations which have made the town better for the year following, and made the gospel of patient endurance and Christian hopes a living reality for all the life time of many who listened with their hearts softened by personal sympathy.

As we visit the old village or township we shall be told

perhaps that the old meeting house does not hold the same place in the respect of the community which it once did, that advanced thinkers such as formerly kept their denials and sneers to themselves, openly proclaim their contempt for the worship of what they call an unknown God, and boldly act it out, by ostentatious neglect of the Sunday worship, or that those who still hold fast their allegiance to the ways of their fathers, have relaxed very much from the earnestness and fervor of former times. What is practically most serious of all the signs of evil, is that by the removal of the population, the emigration to the manufacturing centers, to the large cities and the inviting and endless West, the old congregations are greatly diminished, the resources of many once thriving parishes are weakened, and as a consequence the old meeting houses are more or less neglected at a time when the culture of the times requires that they should be made more neat and attractive.

In many towns the old meeting house has survived its best usefulness and a better one should take its place. It is gratifying to know that there is scarcely a parish in New England, however scanty its population or resources, that cannot count among its sons, more than one, sometimes more than a score, who is well able to supply all its reasonable needs, and who if he should bethink himself of what the old meeting house has been to a former generation and of what by his aid it may become to another, would deem it an act of filial piety to replace the old meeting house by one that is new. No monument to one's name can be so noble as that provided by the repair or erection of a place of worship in our early home. No service that can be attended with such grateful recollections as that which may be rendered to the town or the village of our birth and youth. No epitaph

more touching than this can be inscribed over the portals of a house of prayer in connection with one's name, *for he loveth our nation and hath built us a synagogue.*

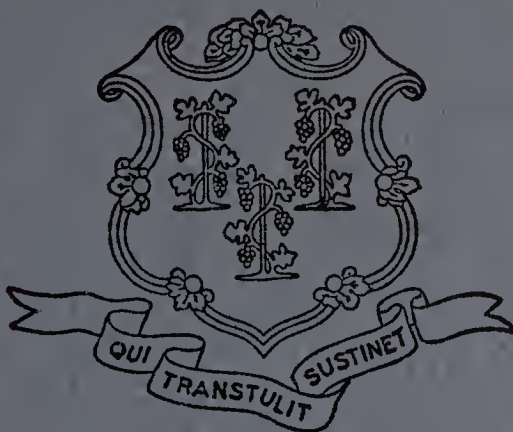
THE writer makes no secret of the fact that he gives these informal remarks to the public, with the hope that he may turn the attention of some readers of New England descent to the opportunity of rendering an appropriate service by rebuilding or repairing its many houses of worship in a manner which becomes their past usefulness and their permanent importance. It is most grateful to know that as yet not a single one of the many Congregational churches of Connecticut has become extinct which might be said to represent any one of its original parishes. Some of them by reason of the drain by emigration and the shifting of its population to more favored centers of activity, find it difficult to keep their houses of worship in a condition which is befitting their significance and is necessary for edifying and decorous worship. In some instances a wealthy New Englander has built a house of worship for his native town; in many cases liberal contributions have been made for the rebuilding or repair of church, chapel, or parsonage. Any contribution which provides for the comfort or beauty of public worship or which assures the prosperity of one of these old churches, can scarcely be amiss. In many cases such gifts will not only bring new life and hope to the families that watch by the old homesteads and worship at the ancient altars, but will bring blessing and honor to the names and memory of those who in this way honor their Fathers' God.

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Connecticut History

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TERCENTENARY COMMISSION OF THE
STATE OF CONNECTICUT



COMMITTEE ON
HISTORICAL PUBLICATIONS

The Indians of Connecticut

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STATE OF CONNECTICUT

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The Indians of Connecticut

MATHIAS SPIESS

THREE hundred years have passed since the white man began to write the history of what is now known to us as the state of Connecticut.

It was in the summer of 1614 when the first white man, Adrian Block, a Dutch navigator, sailed up the Connecticut River and landed at a fortified Indian town, situated in latitude $41^{\circ} 48'$, or just north of where Hartford now stands. The exact location of this large Indian town has been disputed, but by personal investigation, covering all the lands on both sides of the river and after many years of observation, we found that J. Hammond Trumbull was correct when he said: "This fortified town was, in my opinion, on the east side of the river, in what is now South Windsor, between Podunk and Scantic Rivers, on the ground called Nowashe (which seems to be the equivalent of the Dutch 'Nowaas') by the Indians who sold it to Windsor plantation in 1636."¹

Nowhere in the state has an Indian village site been found that covers so large an area. To this day the camp fire stones lie scattered over several hundred acres, not including the camps that were located in the outskirts of

¹ *Memorial History of Hartford County*, I, 11.

the village. For many years this locality was a paradise for collectors of Indian relics. It was the summer village and the headquarters of the Podunk tribe of which we shall learn more later.

Here is the place where the red skinned aboriginal American who lived in Connecticut, first met his white skinned brother. Right here written history of the state of Connecticut began. Rightfully and justly may the town of South Windsor boast that the cradle of Connecticut's history stood within its town boundary.

Ancient records have been searched, copied, and put in order and several volumes have been written regarding the Indians of Connecticut. Indian characters have been depicted that appeal to the fiery ardor and enthusiasm of youth, but the aborigines, because of the want of a written language left us only their marks and imprints of their occupancy "on the sands of time."

Our desire to peek into the dim and misty prehistoric past impels us to study their stone implements that we find where once stood their homes and cornfields, or where they hunted in the primeval forest. Besides fragments of earthen pots and other utensils, arrow points and spear heads, stone axes and pestles, and bits of charcoal where they had their camp fires and villages, we find but little of importance to aid us in our study of the tribes who lived here before the white man came.

Conne—tic—ut

THE original tracts of lands known among the earliest settlers as Connecticut were on both sides of the river from Agawam (Springfield, Mass.) to Long Island Sound. In Algonkin, Connecticut is not a proper name but a phrase: "Conne," long; "tic," tidal river; "ut," by. The river tribes designated their villages and places by names

which we find mentioned in the records, but when one of their members, whether he lived at Agawam (Springfield), Saukiog (Hartford), Mattabesec (Middletown), or at Pashesauke (Saybrook), had travelled into a strange country, he knew that the local name of his village was unknown among people living a long distance away, but that the Long River was known by all. So he described his homeland as that part of the country which was "By the Long River," that is, Conne—tic—ut.

Here lived sixteen distinct tribes when the white man arrived and settled, and we shall take each tribe separately as they were when the Europeans found them.

The Pequots

THE story of the Indians of Connecticut must necessarily begin with a tribe whose courage led them to glorious victories in prehistoric days, and to an ignominious end a few years after the first settlement by Europeans was made. This tribe invaded Connecticut not very many years previous to the arrival of the white man. They were Mohicans² whose homelands were on both sides of the Hudson River, southward from Albany, but for some reason travelled eastward over the hills of Taughanick (Taconic) to the Connecticut River. They then followed along the east side of the river southward until they encountered the bravest of all sons of the forest of Connecticut—the Podunks. How many battles were fought or how long the invaders were retarded in their march southward, will never be known. We do know, however, that the Podunks drove the Pequots eastward into the Nipmuck country where they again found strong resistance from the Nipmucks. From here they faced southward and attacked the Nehantics, cutting that tribe in

² On Mohican *vs.* Mohegan see pages 10-13, and note 6.

two, and settled at what is known to us as the towns of Groton and Stonington, where they were found by the white settlers.

Like all the tribes of New England, these American vandals were Algonkins but they had joined the Iroquois League of Five Nations when they left their original stock, the Lenni Lenape, and became members of Hiawatha's clan of Muckhaneek, meaning "Wolves."

Their earliest sachem mentioned in the records, Tamaquashad, was, it is believed, the chief who led the tribe into Connecticut. His successor was Muckguntadowas whose son Woipeguand ruled after him and his son Wopigwooit also became chief sachem. The latter was followed by his son, Sassacus, the last to rule.

The name Pequot was given them by tribes in New England, and Roger Williams tells us that the name was given because of their fierce nature, and, interpreted, means "destroyers of men."

Naturally the Pequots claimed the land by conquest. They paced out a hunting ground for themselves which they took from lands belonging to the Nipmucks, Nehantics, Wangunks, and the Podunks. Nowhere in the records and in the writings of early writers has any definite reason been given as to why these Mohicans refused to obey the orders issued from the Great Council of the Five Nations at Onondaga, after they had disturbed the peaceful tribes of Connecticut by invasion.

True, many speculative opinions are given by historians but whether they were driven here or sent here, is a question which may never be answered.

There is a tradition still aflame among the living Mohegans at Montville, Connecticut, which relates that their forefathers came from the northwest and the late Lemuel Fielding, a Mohegan, taught me the very words

an elderly Mohegan woman would say whenever the subject was brought up. She pointed to the northwest and said: "geeyahoo wudchi oos'e taughannick," which means, "We came from beyond the distant mountains."³ Yes, the Mohican-Pequots came, but why did they come? If they were driven here as some historians believe, why did not the Mohawks collect tribute from them as they did from other Connecticut tribes? Nothing is recorded to show that the Mohawks were enemies to the Pequots, or that they were sent here by the Iroquois as "a thorn in the side" of all Connecticut tribes who refused to join the Iroquois Confederacy.

Some day new discoveries may disclose the facts and a three-hundred-year old problem may be solved.

Wopigwooit was the great chief of the Pequots when Connecticut was settled and his son, Sassacus, ruled after him.

According to Dutch records it was Wopigwooit who claimed to be owner of Connecticut and sold lands at Saybrook and Hartford to Van Twiller, governor of New Netherland, the sachems of the River Tribes having fled but who were the rightful owners of the land. While in exile, they were busy inducing the English to emigrate to Connecticut, which the English did in 1633.

A dispute between the English and the Pequots was inevitable, and after several atrocious deeds committed by the Pequots against the white settlers, a war of extermination was planned against the tribe.

It was in May, 1637, that Captain John Mason was sent against them, burned their fort at Mystic, and drove the occupants of the western fort towards Manhattan. Mason captured two hundred old men, women, and children near New Haven and the rest of this band was

³ Speck, *Native Tribes and Dialects of Connecticut*, p. 216.

finally rounded up in a swamp in Fairfield. In all, Mason had about one hundred men in his command and the assistance of Captain Underhill and Captain Patrick, besides what little aid he received from the Mohegans and Narragansetts, who fought in favor of the white men and against their own people.

Chief Sassacus with five sachems and one of his brothers, besides others, escaped and sought safety with the Mohawks. But the Mohawks now realized the strength of the English who practically annihilated the fierce and courageous warriors of the Pequots.

They could not, in fact dared not, offend the white settlers from now on. On the other hand they would not deliver the Pequot sachems into the hands of the English, for they knew what was awaiting them, so they put all to death, excepting one who escaped, and sent the scalp of Sassacus and that of his brother and the five sachems to Hartford. So the story goes, but here we come to another problem. If the Mohawks really wished to please the whites, why did they not turn the fugitives over to them alive? Who among the white settlers could tell the difference between the scalp of Sassacus and that of some other Indian?

However, Sassacus, that great and powerful chief, was seen no more, and the great Pequot tribe as such had perished. True, refugees had scattered here and there and when found were divided among other tribes. They were prohibited from using the name Pequot and were ordered to assume the name of the tribe to which they were attached.

This order, however, was not enforced, for soon two small bodies of them appeared and settled in their old hunting grounds where they were known by the old name. Two chiefs are mentioned who ruled over them, Cush-

washet and Wequash; the latter also known as Herman Garrett. De Forest tells us that these remnants were, in 1832, considerably mixed with white and negro blood, and his description of them can be applied to those still living at this writing (1932), who feel the Pequot pride within them and ignore the white or negro blood that flows in their veins.

A few families live on the old reservation at Groton while several others are scattered in near-by towns in Connecticut and Rhode Island. They are living witnesses that the Pequot tribe has been dead for nearly three hundred years, but that the Muckhaneeek—the spirit and prowess of the “Wolves”—still survives in the hearts of those few individuals that remain and haunt the ancient hunting grounds of their forefathers, like spectres from the Valley of the Dead.

The Podunks

WE have already seen that the Podunks were the first to greet and welcome the white man in Connecticut. Dr. O’Callaghan tells us⁴ that Adrian Block who discovered the Connecticut River called this tribe Nowaas, and their country is so named on the Dutch map of about 1614.

The earliest record in New England regarding this tribe is dated 1631. Wahginacut, a Podunk sachem, visited the governors of Massachusetts and Plymouth colonies, to induce the English to emigrate to the Connecticut Valley. He had good reason to invite whites to come and live in his country, as we shall soon see. The sachem painted a beautiful picture of his homeland. He spoke of the fruitfulness of the country, the opportunity for trade with the Indians in corn, beaver, and other skins, and pledged an annual present of corn and eighty beaver skins

⁴ *History of New Netherland*, I, 73.

to the English who would come and settle in his country.

Governor Winthrop of Massachusetts declined the sachem's proposition but Governor Winslow of Plymouth went to visit the country and on his return gave a very favorable account of it. Soon the English had learned that the Podunks and other river tribes had been driven from their country by the Pequots because they refused to submit to Pequot authority. An English settlement in the Podunk country meant protection of the right owners and defense against their powerful enemies—the Pequot invaders.

To this day a meadow in South Windsor east of Patrick Colbert's and John Reardon's homes is known as "Bloody Field." It is just north of where the Podunk fort was, on the Thomas Johnson farm, and is without doubt the site of an Indian battlefield.

Since the Pequot invasion took place before written history began in New England, we must depend upon tradition which gives us but scant bits of information. Suffice it to say that the Podunks never surrendered to their enemies. There is still an old saying among the older folks living around East Hartford and South Windsor when alluding to the brave warriors, "They fought like Podunks to the last man," for it is said, that in one battle the Podunks were outnumbered by their enemy and all had been killed but one. He kept up the fight until he was slain.

The women and children and the old men of the tribe were taken to Pocomtock (Deerfield, Mass.), while the young warriors went about in an attempt to organize a war party from various other tribes, and drive out the Pequot invaders.

About forty to fifty years must have passed, but always were the Podunks mindful of their homelands. They conceived the idea of asking the English to settle in Connecti-

cut, when they had learned that their enemies the Pequots had sold land to the Dutch at Saukiog (Hartford). The Dutch account tells us that the river tribes were beaten in three encounters by the Pequots who claimed the entire country by the right of conquest.

It was in the year 1632, "the year before the Dutch began in the River" when Chief Natawanute presented Governor Winslow of Plymouth with a tract of land in South Windsor, and in October, 1633, the Plymouth trading company "brought home and restored the right Sachem of the place, called Natawanute."⁵

In his letter to Winthrop, Governor Winslow says: "I brought in Attawanyut (Natawanute, also written Allarbaenhoot) and there left him where he lived and died upon the ground, whom Tatobam (Wopigwooit) the Tyrant, had before expelled by war."

It is evident that Natawanute was one of the grand sachems of the Connecticut River tribes, and the colonial records show that he sold land in the Podunk territory called Nowashe, now South Windsor, to the Windsor planters in 1633. This land was repurchased by the town of Windsor from Arraramet, chief of the Podunks and successor of Natawanute.

The name "Podunk" was originally applied to the low land between the river and their principal summer village in South Windsor, where the tribe cultivated the rich alluvium soil and raised corn, beans, squashes, and tobacco. In Algonkin, Podunk, or Pautunk means "a bringing in" (of alluvium soil by the river) and denotes low land.

The tribe consisted of three clans: the Nameroke, who lived near the village of Warehouse Point; the Hockanum clan under Tantonimo, who resided in the village still known as Hockanum; and the Scanticooks, whose vil-

⁵ Bradford, *History of Plimmoth Plantation* (Ford ed.), II, 164-168.

lage and fort were on the north bank of the Scantic River, northeast of Broad Brook in the section known as Weymouth. The Scanticook sagamore was Foxen (alias Poxen) who, with ninety warriors and their families, joined the Mohegans under Uncas. Foxen became the great councillor of the Mohegans and his name appears repeatedly in the records.

It is assumed that Uncas when exiled by the Pequot sachem lived here under the protection of Foxen, who, displeased with the Podunk sachem Arraramet, left his tribe and removed to Mohegan Hill.

Uncas had a son Ben, by Foxen's daughter, whom he called "half dog"; the mother he described as being a "poor beggarly squaw, not his wife." Thus was Foxen rewarded by Uncas for all the faithful service he rendered, and thus was a Podunk princess disgraced by one who pretended to be a faithful friend of the white settlers, but who, like a snake in the grass, would have struck if only an opportunity would have come.

Their territory was bounded on the west by the Connecticut River, and originally extended eastward "one day's journey" to the lands of the Nehantic. But after the Pequots had paced out their new hunting ground, their east boundary was the hills at Bolton. On the north the Podunk country met the lands of the Agawam tribe, near the present north boundary of East Windsor, and on the south it abutted the Wangunk country. The line running southeast, from Pautopaug (Keeney Cove) to what is now known to us as the New London turnpike, which, according to a map of John Chandler, 1705, was an Indian footpath, was called "Path to Hockanum."

Within this territory today, there are the towns of East Windsor, South Windsor, Manchester, part of Ellington, Vernon, Bolton, and Glastonbury.

To date, five burying places of the Podunks have been found. Their royal cemetery was at the junction of Main Street and Ellington Road, in East Hartford. Another burying place is on a neck of land, south of Podunk River near Main Street, East Hartford, on a farm now (1932) owned by Isaac Cohen and formerly known as the Leo Burnham place. The largest cemetery of the tribe was on the bank of the Connecticut River, on land now owned by Patrick Healy, in South Windsor, while seemingly the smallest place of interment was at Hockanum on land now owned by Howard Ensign. The fifth was on the north bank of the Scantic River, near where it flows into the Connecticut River.

So far as it is known, the Podunks buried their dead facing them towards the southwest. There, so they as well as all Algonkins believed, dwelt Kent-Manitto—Great Spirit. There the souls of all their great and good men and women go and there in a Paradise of a Happy Hunting Ground they would spend eternity.

The Mohegans

It is well known among students of history that the name Mohegan appears in the pages of history and in ancient records in various forms. We find it spelled Mohican, Mohangin, and Muckhaneek in the records, while on the Dutch map of 1614 we see the names of Mahicans and Morhicans, and a Mohegan petition of 1749 gives us the name spelled Mohanhegumewog.

The attention of the reader has already been called to the fact that the Pequots, so called, were Mohicans from the Hudson River (originally called Mohican River by the Indians), who invaded Connecticut. We also know that Uncas, the Mohegan, was a Pequot prince, and that these two tribes, the Mohegans and the Pequots, were of

the same stock. In tracing these Mohican-Pequot people we find that they emigrated from the country of the Mahicans as designated on the old Dutch map. So then it is safe to say that the Mohican-Pequot and the Mohican-Mahican were all of the "Wolve totem or true Mohicans," for we know that Muckhaneek or its synonym Mahican means wolves.⁶

The Iroquois League was organized about the close of the sixteenth century and it was about this time that the Mohican-Pequots invaded Connecticut. Among the Mohawks there were members, too, of the "Wolve Clan," and whether the Mohican-Pequots who lived at Taconic were driven out or whether they were sent here does not change the fact that the Connecticut Mohican-Pequots were a band of the wolve totem known to the Dutch explorer and maker of the earliest map of the northeastern parts of the United States, as Mahicans.

We have already seen that the Mohawks collected tribute from all the tribes living west of the Connecticut River, but never were the Mohican-Pequots asked to pay. The Pequots sold land to the Dutch but never did the Mohawks object to the transaction. On the other hand, it is evident that the Mohican-Pequots had been on very friendly terms with the powerful Narragansetts, up to the time when the Pilgrims settled at Plymouth.

According to Uncas' genealogy as it was given to the whites in 1679, the grandmother of Sassacus was a daughter of the grand sachem of the Narragansetts and Uncas' mother was a sister of Sassacus' grandfather.

Uncas himself married a daughter of Sassacus, which made him son-in-law of Sassacus besides being a distant cousin. By this we see that both Sassacus and Uncas were

⁶ Dr. Speck is of the opinion that the Mohican and Mohegan dialects "differ considerably," a fact which "cannot be ignored as an indication of separate identity."

related to the royal family of the Narragansetts and that Uncas himself was a Pequot prince.

Our creative power of imagination can only picture what changes would have been wrought among the tribes of Connecticut by these two allied and powerful nations, had not Cupid's darts prevented a general upheaval. The Narragansetts were also intermarried with the Connecticut River tribes and when the haughty Pequots sold land on the river to the Dutch, the warm friendship that had existed so long, began to cool.

Uncas, who had lost the election after the death of Chief Wopigwooit, refused to humble himself to the new Pequot ruler and set up a camp for himself and his followers and from that time on they were known as Mohegans. Knowing that he was despised by all tribes in Connecticut, Uncas joined the English against his own people, for the sole purpose of securing for himself, what to him seemed an exalted position, the chieftaincy of the proud and powerful Pequot invaders. However, the glory of Pequot supremacy was soon crushed, when Mohegans, Nehantics, and Narragansetts under Captain John Mason and his men finished their undertaking of annihilation, as we have already seen.

Attawanhoot, known in the records as Joshua Sachem, was the third son of Uncas. He was set up as sachem over the western Nehantics by his father and soon after married Sanganosk, the daughter of Arraramet, grand sachem of the Podunks. Shortly before the death of Arraramet, he gave to the wedded pair "all the lands in Podunk." This gift included the present township of East Hartford, Manchester, and part of Ellington, Vernon, Glastonbury, and Marlboro. All of these tracts of lands were sold by Joshua, to the whites, and since the ancient Pequot country had been granted to the Mohegans by Queen

Anne, Attawanhoot's mark can be seen affixed to many deeds and other conveyances of lands in Connecticut, east of the river.

The national pride of the Mohegans disappeared with the death of Uncas. Volumes have been written about them covering all their activities. Many were the quarrels, wars, and disturbances caused by Uncas with other tribes.

He accused the noble Narragansett sachem, Miantonomo, and put him to death; he fought with the Podunks, spied on Sequassen, sachem of the Hartford Indians, and surrendered him to the whites. He complained continuously to the English about the doings of other sachems. The Mohegans fought against their own race again in King Philip's War, but Uncas' dream of an Indian empire with himself as grand sachem never materialized.

Oweneco succeeded his father in 1683, the year in which, it is believed, Uncas died.

Oweneco's son Caesar succeeded him, and upon the death of Caesar, Uncas' youngest son Ben became chief, and he was succeeded by his son Ben, the last of the Mohegan sachems.⁷

The Saukiogs

THE name Saukiog, sometimes written Sicaog, in Algonkin, denotes a place where the ground is dark.

The chief sachem, who ruled here at Hartford when the English arrived, also ruled over another sub-tribe to the westward. It was Sequassen, the son of Sequin, alias Soheage of Pyquag, now Wethersfield. The Saukiog hunting ground was partly sold by the Pequots to the Dutch in 1632.

⁷ For information regarding the descendants of Uncas and Mohegans, now living in Connecticut, see extract from the Forty-Third Annual Report of the Bureau of American Ethnology, *Native Tribes and Dialects of Connecticut*, by Frank G. Speck.

We have already seen that the Pequots were not the rightful owners of the land and that the English had settled at Hartford in 1636; they bought from Sequassen, the Saukiog territory which now includes the cities of Hartford and West Hartford.

The records show that after Sequassen had fought three battles with the Pequots he was completely overthrown. Consequently he was friendly to the English for the restoration of his sachemdom. For almost a century the Saukiogs lived near the town of Hartford, as neighbors to the English. It was in the year 1730 that they moved westward and joined the Tunxis tribe.

Soon after the settlement was made at Hartford by the English we find the Saukiogs and Mohegans in a quarrel. Uncas complained to Governor Haynes, who summoned the two sachems, Sequassen and Uncas, to appear before him, attempting to reconcile the two. Uncas claimed that Saukiog warriors had killed a leading Mohegan and that he must have six of Sequassen's men, in lieu for the loss of one Mohegan. It was disclosed that the one who actually murdered the Mohegan was also a leading man of the Saukiog tribe and a relation to the grand sachem of the Narragansetts, Miantonomo. Sequassen refused to surrender him, depending upon the powerful Narragansetts for assistance in case of war. The magistrates at Hartford dismissed the case and gave Uncas the privilege of avenging his own wrongs. The Mohegans invaded Sequassen's territory, killed several warriors and wounded others, burned wigwams, and carried away plunder. The Narragansetts upon hearing the news, at once went to attack the Mohegans, which resulted in the capture and death of Miantonomo.

Sequassen was angry because the whites favored Uncas, his hated enemy. He resorted to foul trickery when

he planned to hire an assassin at Waranoak (Westfield, Mass.) to murder Governor Haynes, Governor Hopkins, and Mr. Whiting, and then blame Uncas and his Mohegans for having committed the deed, thus setting the English against Uncas. The Waranoak Indian, instead of murdering the three white men, revealed the plot to them. Uncas was sent to bring in Sequassen who fled to Pocomtock (Deerfield, Mass.). The Mohegan warriors captured Sequassen and brought him back to Hartford, where he lay several weeks in prison. Nothing was proved against him and he was set free. It is possible, in fact very probable, that the whole scheme had been hatched out by Uncas himself and that he had hired the Waranoak Indian to accuse Sequassen.

In 1656, we find Sequassen and Uncas friends again. Another murder was committed. This time a young Podunk named Weaseapano had murdered a sagamore of Mattabesec (Middletown), who was a relative to Sequassen. Uncas gladly offered to assist the Saukiogs to seize the criminal, who took refuge in the Podunk fort on the north bank of the Hockanum River in East Hartford, where Tontonimo, sachem at the Podunk winter village was in charge. Again the Indians brought the matter before the magistrates of Connecticut at Hartford. Sequassen and Foxen (alias Poxen), Uncas' councillor, declaimed against the Podunks for harboring the culprit. The Podunks pleaded that Weaseapano was justified in committing the deed, for said they, the dead sagamore had killed Weaseapano's uncle. The court failed to pacify either party but the Podunks offered a quantity of wampum as satisfaction to the injured parties. Sequassen and Uncas refused to accept it and Tontonimo refused to give up the murderer. At last the governor left the matter to the Indians to settle between themselves, "only they

should not fight on the west side of the river, nor injure any of the English on the other side.”⁸

Uncas gathered his warriors to attack the Podunks who were within their fort. When they saw the Mohegans on the opposite side of the Hockanum River (on the Frank Robert’s farm) and on a hill later known as John Clow’s Hill, the Podunks left their fort and defied the Mohegans to come and fight. Uncas, however, saw that the Podunks were equally as strong in number as his party, and was unwilling to hazard a battle. The story, as related by Dwight in his *Travels* and copied from the *Colonial Records of Connecticut*, is, substantially as follows: A Mohegan crept across the meadows at night, set fire to a wigwam and purposely dropped a Mohawk arrow. The Podunks, upon finding the Mohawk weapon thought the Mohegans had called upon their ancient enemies and quickly gave over the murderer.

Warwarme, the sister of Sequassen, ruled as sunk-squaw (queen) contemporary with her brother. Her royal wigwam stood where Colt’s Park is now. The low lands there were once the cornfields of the Saukiog tribe that welcomed the founders of Hartford.

The Tunxis

THE name Tunxis is an abbreviation of the original Indian name of the Farmington River.

It appears as Tunckseasapose in the earliest records of the original distribution of lands at Hartford.⁹ In tracing the etymological sources of the name, we find that both the foregoing forms are abbreviations of the true Algonkin phrase, Wattunkshausepo, which, translated, denotes a fast flowing and winding river or stream.¹⁰ No

⁸ *Connecticut Colonial Records*, I, 304-305.

⁹ Connecticut Historical Society, *Collections*, XIV, 196.

¹⁰ *Indian Place Names in Connecticut* by J. Hammond Trumbull.

exact boundary of the Tunxis hunting ground can be given on the west. The Mohawks had subdued practically all the Connecticut River tribes and no Indian warrior or hunter dared to enter the northwestern part of what is now the state of Connecticut. Yearly the Mohawks collected tribute from the river tribes because of their refusal of joining the Iroquois League and so this trackless wilderness was not only disputed land but verily a no-man's land. We read in the Farmington Records: "In primis, taken for granted that the magistrates [of Hartford] bought the whole [Tunxis] country to the Mohawks country, of Sequassen, the chief sachem." Not until after the destruction of the Pequots, when the Mohawks began to fear the whites, did aggregations of straggling bands of various tribes dare to settle at New Milford and Kent, later known as Scatacocks.

It is safe to base the area of the Tunxis territory, as it was used by them when the whites arrived, on the original land sale of 1640. This purchase included what are now the towns of Farmington, Southington, nearly the whole of New Britain and Berlin, Bristol, Burlington, Avon, and Plainfield. The Tunxis were a sub-tribe of the Saukiogs and Sequassen was the chief sachem and the tract was sold by him to the white settlers, although another chief is also mentioned "Pethus, sachem or gentleman of the place," and his son Ahamo. The agreement with the Tunxis respecting the white men's title and possession of the tract of land was renewed in 1650, and again in 1673. The history of the Tunxis tribe is so closely interwoven with that of the Saukiogs, which we have just considered, that it remains only to give a brief sketch regarding their later existence.

The relations between the Tunxis and the settlers were usually friendly. No outbreak of a hostile character ever

arose between them. Soon the whites laid out a reservation for them, still called "The Indian Neck." Later parcels of lands were sold and one deed was signed by twenty-six men and women. This shows once more that the Indian squaw was not the downtrodden and degraded creature of primitive man as we are so often led to believe. In his historical sketch of Farmington, Noah Porter tells us¹¹ that in 1740 the Indian boys were so many and so strong that they were esteemed more than a match for the whites of the same age." About 1750 the remnants of the tribe removed to Stockbridge and later to Oneida County, New York, and finally to Green Bay in Wisconsin.

A small band, however, remained at Farmington for many years until the last entered into the Happy Hunting Ground.

The last full-blooded male Tunxis was buried December 21, 1820, while the only surviving squaw stood weeping by the grave.

The Massacoes

LET us begin the description of this tribe by making a correction in the pronunciation of the name. Lucius I. Barber, the local historian of Simsbury, is in error when he said, Massaco is "pronounced Mas-saw'co."

All Indian place names are descriptive and Massaco describes a place as follows: Massa, large or great; agwu, low (land). Its true Algonkin pronunciation, therefore, is Massa, as in Massachusetts; and agwu, as written. If this tribe was ever a branch of the Tunxis, as some historians infer, it was in prehistoric times, for we find nothing in the records to substantiate such a belief. In fact, the Tunxis never laid claim to it. Neither Grand Sachem Sequassen nor Chief Pethus ever sold a foot of ground be-

¹¹ *Memorial History of Hartford County*, II, 170.

yond the north boundary of the present towns of Avon and Burlington.

The tribal territory covered what is now Simsbury, Canton, and part of Granby, East Granby, and Barkhamsted. On the north the Massaco hunting ground was bounded by the Agawam country, on the south it abutted the Tunxis land, on the east it extended to the lands of the Poquonocks, and on the west to the disputed territory.

Their principal village was at Weatogue, the name of which, by the way, is a corruption of Wit, home; auk or og, place.

Their sachem was Manahannose, of whom it is recorded that he "did wittingly kindle a fire" which destroyed a large quantity of tar belonging to John Griffin. The sachem was arrested, tried in court, and fined "five hundred fathoms of wampum." Unable to pay, the sachem was delivered over to Griffin, "either to serve, or to be shipped out and exchanged for negroes, as the case will justly bear." This was by order of the General Court at Hartford. To escape this penalty, Manahannose gave Griffin a deed of Massaco.¹²

It is well known that an Indian never forgets a kind deed, nor does he ever forget a wrong act committed against him.

During King Philip's War, some of the Massaco warriors joined Philip's men, while others remained at home. It was on March 26, 1676, when King Philip and his warriors appeared to avenge the injury done to the Massaco tribe. The white settlers had already fled to neighboring towns. Philip's warriors applied the torch to all the buildings in the deserted town, and forty dwelling houses, with barns and other buildings, were consumed.

¹² *Ibid.*, II, 341.

Tradition tells us that King Philip and his councillors were in a cavern on the Talcott Mountain range, watching any movement of white men along the paths leading to Simsbury, while his men were engaged in the burning of the town. Those of the Massaco tribe who remained at home remembered what had happened to their sachem when the fire he kindled destroyed Griffin's tar, so that remnant removed into the western forest and settled on the banks of the Housatonic River, where later they were joined by others of various tribes and finally settled at Kent, when the Scatacocks were established there.

The Agawams

THE name Agawam is derived from the Algonkin agwu, low (land); wame, whole or wholly. It describes a place, the level of which is lower than the surrounding land—a meadow.

This tribe was a branch of the Pocumtuck confederation the headquarters of which were at Deerfield, Mass.

Their tribal territory extended on the south into what is now Connecticut, and comprises what are the present towns of Suffield, Hartland, and parts of Granby, East Granby, and Enfield. On the east it extended to the Nipmuck country, and on the west to the disputed land. Besides the Podunk path on the east side of the Connecticut River, the great "Maya" or trail that led from Quinnipiac (New Haven) to Canada, left the state here at Mayawauk, now West Suffield. Maya means way or path; auk, place. This path is called in ancient records the Hampton and Westfield path, and the path to Waranoak, now Westfield, Mass. Close to the Connecticut state border the Agawams seem to have had two principal villages: one at Agawam, the other at Wenekei-amaug (now Congamond), where they had, besides a large vil-

lage, numerous camp sites which we find southward to Manatuck Mountain.

Among the many local names in this section on the west side of the river, we find at least one which is of interest. In the town of Suffield, is Musketo-Hawk Plain, and a little study in etymology will quickly disclose the origin of this name. Muskeht translated means grass, Muskehtu, green; and auk means place. So we find that the Indians named the place, grass-place or green-place.

Two sachems on the west side of the Connecticut River who sold the lands were Pampunkshat and Mishnousqus. On the east side ruled Totaps, alias Nottatuck.

Local Algonkin names on the east side that have come down to us are Scitico, a village, and Asnuntuck and Poggotossur, two brooks which formed the bounds of a land purchase in Enfield.

The Nipmucks

THE Nipmuck country, after the invasion by the Pequots, extended into Connecticut only as far south as Moshenupsuck (now Snipsic Lake at Rockville), but originally it abutted on the Nehantic territory in the vicinity of Willimantic. The headquarters of the tribe were around what is now Webster, Mass., but there were numerous Nipmuck villages within the present boundary of Connecticut. That section within the state was known as Wabbaquasset, and often those bands of families who lived here were called Quinebaugs which means long-lake. The present towns of Somers, Stafford, Union, Woodstock, Thompson, Putnam, and parts of Ellington, Tolland, Willington, Ashford, Eastford, Pomfret, and Killingly were once Nipmuck hunting ground.

No grand sachem ruled over the many bands or clans of Nipmuck families and all seem to have been subjects

of other more powerful tribes living about them. This condition may have been caused, as Mohegan tradition seems to substantiate, by their resistance against the Pequot invasion.

According to this tradition, the Nipmucks fought, as did the Podunks, the Pequot intruders for many years. Smallpox too, just before the Pilgrims arrived, undoubtedly reduced their number.

There are but few records concerning this tribe, consequently little can be said about them. Those who lived within the present bounds of Connecticut were subject to Uncas, the Mohegan, after the annihilation of the Pequots.

The names of their chieftains which have come down to us are, Allups, or Hyems, Mashaushawit, and Quinnatisset. John Eliot preached the Gospel among them for years and many accepted Christianity as their religion. Eliot translated the Bible into the Natick-Nipmuck dialect. Samson Occom, the Mohegan preacher, also visited them a few times. Many were admitted as members of English churches.

There are no full-blooded Nipmucks alive today. Those who claim to be Nipmucks are part negro.

The Western Nehantic

WE have already seen that the Pequots, when they invaded Connecticut, cut the Nehantic tribe in two. The eastern portion practically joined the Narragansetts and lived entirely in what is now the state of Rhode Island.

The territory of those known in history as the Western Nehantics extended from Long Island Sound on the south to the Pequot hunting ground on the north. Uncas' domain later formed the northern boundary and still later their north boundary abutted on what was called the Mohegan country.

We have already considered the original Nehantic boundary on the north before the Pequot invasion, and there is little or no doubt that it extended northward to Willimantic. On the east this territory was bounded by the Niantic River and on the west by the Connecticut River. They seem to have had their principal village or seat of government on Black Point—hence the name, Nehant, narrow; auk or ac, place.

Attawanhoot, called Joshua Sachem in the records, the third son of Uncas, became their chief and after his marriage to the daughter of the last chief of the Podunks, as we have already seen, became owner of all the Podunk lands which he freely sold to the whites, as he did the Mohegan lands, but never did he or anyone else sell Nehantic lands to the white settlers.

Often this tribe, as was the case with all others in Connecticut, was attacked by the Mohawks, but was on friendly terms with the Pequots. In fact, their last sachem, Yummamum, was a Pequot. In later years, some of the Nehantic families removed to Oneida County, New York, so that in 1850, only ten individuals lived at Niantic. At present (1933) there are but two full-blooded Western Nehantics alive, Siota A. Nonsuch and his son.

The present townships within this Indian territory are: Lyme, Old Lyme, East Lyme, and Waterford.

The Wangunks

OFTEN we find the name of this tribe written Wangum, which of course is wrong. Wangunk in Algonkin means a bend and this name was adopted because this tribe had its seat of government up to the time of the coming of the earliest settlers at Pyquag (Wethersfield) which was at the "wangunk," that is, the bend in the Connecticut River at that time. Sequin or Soheage, the earliest grand sachem

of this tribe was the father of Sequassen, sachem at Saukiog (Hartford); Warwarme, who also ruled with her brother Sequassen at Hartford, and Montowese, sachem in the northern part of the Quinnipiac territory, and Turramuggus, who in later years was a petty chief on the east side of the Connecticut River, where he lived near the lake which still bears his name, in the town of Marlboro, were also children of Sequin. The Dutch traded with this tribe before the English arrived in Connecticut and we find the name of the grand sachem recorded as Soheage, Sowheage, Seaqueen, and Sequin. It is evident that some writers were misled, as for example Benjamin Trumbull in his *History of Connecticut*,¹³ when he made two persons out of one, mentioning both Sequin, a sachem at Pyquag, and a greater sachem named Sowheag at Mattabesec, now Middletown. The fact is the Wangunks removed their seat of government from Wethersfield to Middletown and the two names have misled writers on the subject.

The Wangunk territory was bounded on the north by the Podunk and Saukiog lands, on the south by the hunting grounds of the Hammonasset and Menunketuck tribes, on the east by the Mohican-Pequot country, and on the west by the lands of the Tunxis and Quinnipiacs.

Like all other river tribes they fought against Mohawk supremacy just previous to the beginning of written history in Connecticut and later against the Pequots.

Many Indian place names of the Wangunks have come down to us. We may call to mind a few which are precious to many, who, in childhood days, have learned the names of mountains, lakes, and brooks, never to be forgotten: Minnechaug, Kongscut, Somersic, Ashanat, Nameag, Washiac, Nyac, Pegansic, Naubuc, Paugetu-

¹³ I, 27.

paug, Pocowset, Machemoodus, Tomheganompsket, and many others.

After the Wangunks had sold all their lands, many joined other tribes, so that in 1764 only between thirty to forty persons were living who called themselves members of the tribe. Their last sachem was Cushoy, whose aged and blind widow, named Tike, was supported by the town. All gradually disappeared, so that in 1785 none lived within their ancient hunting ground and as De Forest puts it, "Thus ended the National existence of the Wangunks." The present towns within the Wangunk territory are: Wethersfield, Newington, Rocky Hill, Cromwell, Portland, East Hampton, Middletown, Middlefield, Durham, Haddam, Chester, and part of Glastonbury, New Britain, Berlin, Meriden, East Haddam, Marlboro, Colchester, and Killingworth.

The Quinnipiacs

THE mishimayagat (great trail) from Shawmut (Boston) to Manhattan followed the shore between Rhode Island and New York, excepting the section from Guilford to North Haven. Here it turned, hence the name Quinnipiac which is a corrupted form of quinnuppin-uk; that is, turning about, or, changing its course.

Here where the trail turned southwestward to what is now New Haven, this tribe had its principal village, and the name Quinnipiac was preserved, for there is still a village by that name.

Their tribal government was divided, to the south Momauguin was sachem and in the northern part ruled Montowese (son of Sequin, grand sachem of the Wangunks), whose mother presented him with that part of the territory.

The entire territory was purchased by the New Haven

Colony from Momauguin and Montowese. It is bounded on the north by the lands of the Tunxis; on the south by Long Island Sound; on the east by the Wangunk and Menunketuck countries; and on the west by the Paugussett territory. It includes the present towns of Meriden, Cheshire, Wallingford, Hamden, North Haven, East Haven, New Haven, Branford, North Branford, and part of Bethany, Prospect, New Britain, and the eastern corner of Waterbury.

The names of Indians which appear in the New Haven records are too numerous to mention. Soon after they sold their lands, those governed by Momauguin joined with those under Montowese and in 1768 some of them removed to Farmington and from thence emigrated westward and joined the Scatacocks at Kent.

The Indian village Quinnipiac surely was a metropolis in prehistoric times, for besides the shore path leading from Boston to New York, which passed through this village, three great paths extended northward. The eastern path led to Mattabesec (Middletown), to Pyquag (Wethersfield), and to Saukiog, now Hartford. The western path extended through Tunxis (Farmington), Massaco (Simsbury), and Waranoak (Westfield, Mass.) to Canada. The middle trail guided the traveller through the forest direct to Hartford, branching at Berlin towards Wethersfield.

The Poquonocks

THE name of this tribe is derived from pohquae, open or cleared, and auk or og, place. The Poquonock territory includes the present townships of Windsor, Windsor Locks, and part of East Granby and Bloomfield. Their principal village was, when the white settlers arrived, on the Farmington River, still known as Poquonock. They had two

other large villages, one north, the other south of their headquarters. The northern village was known as Mattacomacok, the southern Matianuck. At Pine Meadow, south of Windsor Locks, one of their burying places was investigated years ago and a string of copper beads was found in one of the graves.

Their hunting ground was bounded on the north by the Agawam country, on the south by the land of the Saukiogs, on the east by the Connecticut River, and on the west by the Massaco and Tunxis land.

After his restoration, Nattawanute, the sachem who in 1633 sold a tract of land in the Podunk territory, the first land sale on record, lived near Matianuck. He died a victim of smallpox which had broken out among the Indians during the spring of 1634.

The earliest sachem of the tribe mentioned in the records is Sehat, also written Sheat. His successor, Nassahegan, often called "the gentleman of Windsor," was his nephew and was the last sachem. His son, Sepanquet, and Toquash and Pattackhouse, sisters to Nassahegan, sold lands and their names appear in the records as grantors.

Others who signed deeds were Repequam, Anannawer, Cocherwind, and Coggerynosset and his sister Asuthew.

After the white settlers were permanently organized, the Poquonocks gradually removed into the western forest. Some joined the Tunxis and with them emigrated later to the Housatonic River where they joined the Scatacocks at Kent. In 1762 only one Indian family lived at Windsor.

The Hammonassets

VERY little is known of this tribe, which for some reason adopted the name Hammonasset for their hunting ground, a word, translated, that means "where we dig the ground."

The records inform us that Sebequanash was sachem and that his daughter married the great Uncas, the Mohegan. After his marriage, Uncas ruled over this tribe, in fact sold their entire territory which was bounded on the north by the Wangunk country, on the south by Long Island Sound, on the east by the Connecticut River, and on the west by the East River, which the Indians called Aigicomock.

Perhaps many families of this tribe joined the Mohegans after Uncas had sold their lands, but it is common knowledge among the older folks living in the vicinity of Clinton, that a few Hammonasset families lived in the northern part of Killingworth up to the beginning of the nineteenth century. They had summer villages at Madison and Clinton and one winter village on the bank of the Hammonasset River, a few miles northward from the coast.

The present towns within this Indian Territory are: Saybrook, Essex, Old Saybrook, Westbrook, Clinton, and part of Killingworth and Madison.

The Menunketucks

IN the earliest days of settlement, this small tribe was governed by a sunksquaw or queen, named Shaumpishuh. She was the sister to Momauguin, sachem of Quinnipiac. Their female chief soon sold their land to the white settlers and the tribe removed to Branford and East Haven, where they joined the Quinnipiaks.

From the Guilford records we learn that fourteen men, six women, and fourteen children followed their squaw-queen to merge with the people living in the sachemdom of Momauguin.

This Indian territory comprises the present township of Guilford and nearly all of Madison. It was bounded on

the north by the Wangunk country, on the south by Long Island Sound, on the east by Aigicomock (East River), and on the west by a place called Kuttanoo, near the present eastern boundary of East Haven.

The Paugussetts

THIS tribe consisted of five clans which sometimes were taken as distinct tribes. These were the Wipawaugs, Unkawas, Potatucks, Pomerangs, and the Naugatucks. The student need not go deeply into research work to find that these were all one people. Indian law forbade intermarriage within the clan but allowed marriage within the tribe, if outside of the clan. Thus we find relationship by marriage throughout this tribe. "We find the names of the same chieftains appended to the native deeds of sale preserved in the records of both Stratford and Milford," says De Forest, but this does not prove that they were one people which he thinks it does. We find the marks of other sachems on deeds of land outside of their own territory everywhere throughout Connecticut.

According to Indian custom it was considered honorable and a mark of respect to ask neighboring sachems to agree with another sachem in a transaction of business.

But when we read in the records that Nunsantaway, sachem of Milford, was the father of Ockenuck, sachem of Stratford, and that the grand sachem living at Derby was the father of Nunsantaway, then we readily see that these people were one tribe; and the large shell heaps along their coast prove that their ancestors lived here for many centuries.

Their name seems to be derived from pog-kussit which denotes a swift current in a river, where the channel is descending a rapid.

The Paugussett country had no definite northern

boundary, for because of the danger of Mohawk attacks upon them they dared not go beyond the villages of the Pomeraugs, in what is now Woodbury and Middlebury. On the south their hunting grounds extended to Long Island Sound, on the east it abutted on the lands of the Tunxis and Quinnipiacs. Their western boundary is also unknown, because the disputed boundary line between New York and Connecticut has been altered and original native land sales of townships bordering on the state line can no longer be traced accurately. On the southwest the Paugussett territory met the country of the Siwanogs.

Besides the foregoing named sachems, the records of various towns mention: Arracowset, Anshuta, Manamattque, Tontanimoh, Shoram, Mauquash, Massumpus, and others. The last chief who claimed sachemship over the whole tribe was Konkapotanauk, who died at his home in Derby, 1731. After the death of this chief, some went to the Five Nations or Iroquois, while others gradually joined the Scatacocks at Kent.

A few individuals were still living in 1850 in various places but have now entirely disappeared.

The present towns within this Indian territory are: Orange, Milford, Stratford, Fairfield, Bridgeport, Weston, Easton, Trumbull, Shelton, Ansonia, Woodbridge, Derby, Seymour, Monroe, Redding, Bethel, Danbury, Bridgewater, Southbury, Newtown, Oxford, Beacon Falls, Bethany, Naugatuck, Middlebury, Waterbury, Woodbury, Roxbury, and part of Wolcott, Prospect, Plymouth, and New Fairfield.

The Siwanogs

It cannot be disputed that the Siwanogs were members of the Wappinger confederacy in New York. Their territory extended into what is now Connecticut and includes

the towns of Greenwich, Stamford, Darien, Norwalk, New Canaan, Wilton, and Ridgefield. Their tribal name seems derived from Sewan, shells, auk, ac, or og, place.

These Indians soon withdrew after settlements were made, into what is now Ridgefield and part of Fairfield; an aggregation was formed by them under such sachems as Catoonah, Woquacomick, Waspahchain, Wawkamawee, Naranoka, and Caweherin, who called themselves Ramapoo. This name signifies that these people did not intend to settle here permanently, for if we define the word we see the following: Rama or rame, means within, poo denotes motion. Thus we have the phrase, "within motion" or the meaning of the word *en route*. They were on their way to join the Wappinger people of which they were a part. Soon after they sold all their lands, they melted away to parts unknown.

All they left behind are a few names of places such as Miossehassaky, Petaquapaen, Saugatuck, Noroton, and the names of their sachems before they removed to Ramapoo. We find the names of Ponus, Wasscussue, and Mahackeno, sachems at the coast.

The Scatacooks

THIS tribe was founded by a Pequot named Mauwehu, when the remnants of other tribes were retreating before the advancing colonists who became more and more numerous. The once powerful Mohawks dared no longer attack Connecticut Indians who gradually moved into the unbroken wilderness in what is now the northwest corner of the state of Connecticut. We find bands of Indians, who had settled near New Milford and later at Kent, forming a new tribe, known as the Scatacooks.

Mauwehu invited all to come and join him and we read that families of Mohegans, Pequots, and New Milford

Indians answered his call and removed to Kent. In fact, immigrants flocked in from all parts of Connecticut.

In 1742, Moravian missionaries arrived and began to convert the Scatacooks. Many accepted Christianity as their religion and a church was built. It is said that about one hundred and fifty Scatacooks were baptized. A few years later they joined the Iroquois League but never participated in warfare.

Soon, too, the white settlers appeared and the township of Kent was sold to them, not by the Scatacooks, but by the colony of Connecticut.

Reservations, however, were laid out for the Indians and the remnant of this tribe still lives on one of the original reservations.

In the year 1801 there were only thirty-five individuals of this tribe living at Kent. In 1849, there were but eight or ten of full blood besides twenty or thirty half breeds. Those living today are all of mixed blood.

Books

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CHARLES DEWOLF BROWNELL, *Indian Races of North and South America.*

JOHN W. DE FOREST, *History of the Indians of Connecticut.*

ALVIN G. WEEKS, *Massasoit of the Wampanoags.*

FRANK G. SPECK, *Native Tribes and Dialects of Connecticut*, separate from the Forty-third Annual Report of the Bureau of American Ethnology.

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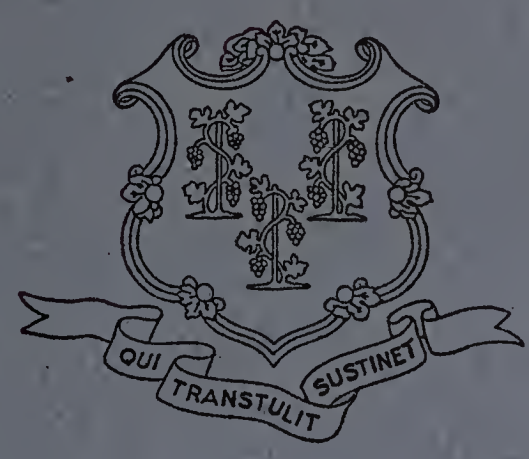
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*The Fundamental Orders of
Connecticut*

AMONG the many valuable records preserved in the office of the secretary of the state at Hartford none is more precious than the volume containing the earliest minutes of the General Court of Connecticut from April 1636 to December 1649. Unfortunately, with the exception of a single brief entry on page 11, pages 11 to 22 inclusive are blank and correspond with a gap in the records from April 5, 1638 to April 11, 1639. Consequently there exists no contemporary official account, and there is no contemporary unofficial one, of the circumstances attending the adoption of the Fundamental Orders on January 14, 1639. The Orders as reproduced in this Pamphlet are taken from pages 220 to 227 of this same volume of records where they were entered, at an unknown date, in the handwriting of Thomas Welles, secretary of the Colony, 1641-1648. The only other early manuscript copy of the Orders to survive appears in the second volume of General Court records, but is incomplete, dates from 1650 or later, and shows some amendment of the original text. The Orders seem to have been first printed in two scarce works, the first issued at New Haven in 1804 and the other at Hartford in 1822.

In the minutes of the General Court for December 1, 1645 appears the following phrase: “. . . the generall Orders formerly made by this Court . . .” There can be little doubt that this statement means that the Fundamental Orders were adopted by the General Court and not by an assembly of “all the free planters” as Reverend Benjamin Trumbull declared, on what authority cannot be surmised, in his valuable *History of Connecticut* written more than a century and a half after the event. As at least eight of the members of the General Court in 1645, including the secretary, Thomas Welles, were probably members in 1639, the statement would seem to afford authentic first-hand evidence.

It has been customary to ascribe the general character and content of the Orders to Reverend Thomas Hooker of Hartford who preached before the General Court on May 31, 1638, a memorable sermon on the text, Deuteronomy 1:13, which is presumed to have presaged the Orders. The legal phrasing of the Orders on the other hand indicates the work of one trained not in divinity but in law. So far as is known the one individual at that time resident in the three Connecticut river towns who possessed such training was Roger Ludlow of Windsor, to whom it may be presumed that the actual authorship of the Orders should be credited. To what extent Hooker and Ludlow may have conferred and coöperated, and what contribution, if any, was made from other sources can only be pure surmise. The earliest recorded use of the phrase “Fundamental Orders” to designate this document is found in the minutes of the General Court for November 10, 1643. The Fundamental Orders, with some amendment, served the settlers of Connecticut as their constitution until they received the charter from Charles II in 1662.

GEORGE M. DUTCHER

FORASMUCH as it hath pleased the Almighty God by the wise disposition of his diuine puidence so to Order and dispose of things that we the Inhabitants and Residents of Windsor Hartford and Wetherfield are now Cohabiting and dwelling in and vppon the River of Conectecotte and the Lands thereunto adioyneing, And well knowing where a people are gathered together the word of god requires that to mayntayne the peace and Vnion of such a people there should be an Orderly and decent Gouverment established according to God to Order and dispose of the affayres of the people at all seasons as occation shall require. Doe therefore affotiate and conioyne our selues to be as one Publike State or Coñon welth, and doe for our selues and our Successors and such as shall be adioyned to vs att any tyme hereafter enter into Combination and Confederation together to mayntayne and p^rsearue the liberty and purity of the gospell of our lord Jesus w^{ch} we now p^resse, as also the disciplyne of the Churches w^{ch} according to the truth of the said gospell is now practised amongst vs, As also in o^r Ciuell affaires to be guided and gouerned according to such lawes Rules Orders and decrees as shall be made Ordered & decreed as followeth.

I It is Ordered sentenced and decreed that there shall be yerely two generall Affemblies or Courts, the one the second thursday in Aprill the other the second thursday in september following, the first shall be called the Courte of Election wherein shall be yerely Chosen frō tyme to tyme soe many Magestrats and other publike Officers as shall be found requisitte: Whereof one to be chosen Gouvernour for the yeare ensueing and vntill another be chosen and noe other Magestrate to be chosen for more then one yeare, p^rvided allwayes there be fixe chosen besids the Gouvernour w^{ch} being chosen and sworne according to an

Oath recorded for that purpose shall haue power to administer iustice according to the Lawes here established, and for want thereof according to the rule of the word of god w^{ch} choise shall be made by all that are admitted freemen and haue taken the Oath of Fidellity, and doe Cohabitte wth in this Jurisdiction [hauing beene admitted Inhabitants by the maio^r pt of the Towne where in they liue]^r or the mayor pte of such as shall be then p^rsente.

2 It is Ordered sentensed and decreed that the Election of the aforefaid Magestrats shall be on this manner euery pson p^rsente and quallified for choyse shall bring in (to the psons deputed to receaue thẽ) one single pap wth the name of him written in yt whom he desires to haue Gouerno^r and he that hath the greatest nũber of papers shall be Gouernor for that yeare; and the rest of the Magestrats or publike Officers to be Chosen in this manner. The Secretary for the tyme being shall first read the names of all that are to be put to choise and then shall feuerally nominate them distinctly, and euery one that would haue the pson nominated to be chosen shall bring in one single paper written vppon, and he that would not haue him chosen shall bring in a blanke. and euery one that hath more written papers then blanks shall be a Magestrat for that yeare w^{ch} papers shall be receaued and told by one or more that shall be then chosen by the court and sworne to be faythfull therein, but in Case there should not be fixe chosen as aforefaid besids the Gouernor out of those w^{ch} are nominated, then he or they w^{ch} haue the most written paps shall be a Magestrate or Magestrats for the ensueing yeare to make vp the forefaid nũber.

3 It is Ordered sentensed and decreed that the Secre-

^r The words in brackets were interlineated, probably by a different hand.

tary shall not nominat any pson, nor shall any pson be chosen newly into the Magestracy w^{ch} was not ppownded in some Generall Courte before to be nominated the next Election, and to that end yt shall be lawfull for ech of the Townes aforesaid by their deputyes to nominate any two whō they conceaue fitte to be put to Election, and the Courte may ad so many more as they iudge requisitt.

4 It is Ordered sentenced and decreed that noe pson be chosen Gouvernor aboue once in two yeares and that the Gouvernor be alwayes a mēber of some approued congregation and formerly of the Magestracy wthin this Jurisdiction and all the Magestrats Freemen of this Coñon welth and that no Magestrate or other publike Officer shall execute any pte of his or their Office before they are feuerally sworne w^{ch} shall be don in the face of the Courte if they be p^rsent and in Case of absence by some deputed for that purpose.

5 It is Ordered sentenced and decreed that to the aforesaid Courte of Election the feu^rall Townes shall send their deputyes and when the Elections are ended they may pceed in any publike fearuice as at other Courts, Also the other Generall Courte in September shall be for makeing of lawes and any other publike ocation, w^{ch} concerns the good of the Coñon welth.

6 It is Ordered sentenced and decreed that the Gou^rnor shall ether by himselfe or by the secretery send out sumons to the Constables of eu^r Towne for the cauleing of these two standing Courts on month at lest before their feu^rall tymes, And also if the Gou^rnor and the gretest pte of the Magestrats see cause vppon any spetiall occation to call a generall Courte, they may giue order to the secretery foe to doe wthin fowerteene dayes warneing and if vrgent necessity so require vppon a shorter notice, giueing sufficient grownds for yt to the deputyes when

they meete, or els be questioned for the same, And if the Gou^rnor and Mayor p^te of Magestrats shall ether neglect or refuse to call the two Generall standing Courts or ether of thẽ as also at other tymes when the occations of the Co^mon welth require, The Freemen thereof or the Mayor p^te of them, shall petition to them foe to doe, if then yt be ether denyed or neglected the said Freemen or the Mayor p^te of them shall haue power to giue order to the Constables of the seuerall Townes to doe the same and so may meette togather and Chuse to themselves a Moderator and may p^{ro}ceed to doe any acte of power, w^{ch} any other Generall Courte may.

7 It is Ordered sentenced and decreed that after there are warrants giuen out for any of the said Generall Courts the Constable or Constables of ech Towne shall forthwth giue notice distinctly to the Inhabitants of the same in some Publike Asseembly or by goeing or sending frõ howse to howse that at a place and tyme by him or them lymited and sett they meet and Asseemble thẽselues togather to elect and chuse certen deputyes to be att the Generall Courte then following to agitate the afayres of the co^mon welth w^{ch} said Deputyes shall be chosen by all that are admitted Inhabitants in the seu^rall Townes and haue taken the oath of fidellity, p^{ro}vided that non be chosen a Deputy for any Generall Courte w^{ch} is not a Freeman of this Co^mon welth.

The foresaid deputyes shall be chosen in manner following, euery p^{er}son that is p^{re}sent and quallified as before exp^{re}ssed shall bring the names of such written in seu^rall papers as they desire to haue chosen for that Imployment, and these 3 or 4 more or lesse being the nũber agreed on to be chosen for that tyme, that haue greatest nũber of papers written for thẽ shall be deputyes for that Courte whose names shall be endorfed on the backe side of the

warrant and returned into the Courte, wth the Conſtable or Conſtables hand vnto the ſame.

8 It is Ordered ſentenced and decreed that wyndſor Hartford and Wetherſfield ſhall haue power ech Towne to ſend ſower of their freemen as their deputyes to euery Generall Courte, and whatſoeuer other Townes ſhall be hereafter added to this Jurifdiction they ſhall ſend ſo many Deputyes as the Courte ſhall Judge meete a reſonable pportion to the nũber of Freemen that are in the ſaid Townes being to be attended therein, w^{ch} deputyes ſhall haue the power of the whole Towne to giue their voats and allowance to all ſuch lawes and Orders as may be for the Publike good, and vnto w^{ch} the ſaid Townes are to be bownd.

9 It is Ordered and decreed that the deputyes thus choſen ſhall haue power and liberty to appoynt a tyme and a place of meeting togather before any generall Courte to aduiſe and conſult of all ſuch things as may concerne the good of the publike as alſo to examine their owne Elections whether according to the order, and if they or the greteſt pte of thẽ find any election to be Illegall they may ſeclud ſuch for p^rſent frõ there meeting and returne the ſame and there reſons to the Courte, and if yt proue true the Courte may fyne the pty or ptyes ſo Intruding, and the Towne if they ſee Cauſe, and giue out a warrant to goe to a newe Election in a Legall way ether in pte or in whole, Alſo the ſaid deputyes ſhall haue power to Fyne any, that ſhall be diſorderly at their meetings or for not coẽing in due tyme or place according to ap-
poyntment, and they may returne the ſaid Fynes into the Courte if yt be reſused to be paid and the Trefurer to take notice of yt and to Eſtreete or leuy the ſame as he doth other Fynes.

10 It is Ordered ſentenced and decreed that euery

Generall Courte except such as through neglecte of the Gou^rnor and the greateſt pte of Mageſtrats the Freemen themſelues doe call, ſhall conſiſt of the Gouernor or ſome one choſen to moderate the Court and 4 other Mageſtrats at leſt wth the mayor pte of the deputyes of the ſeuerall Townes legally choſen, And in Caſe the Freemen or the mayor pte of thẽ through neglect or refuſall of the Gouernor and Mayor pte of the mageſtrats ſhall call a Courte y^t ſhall conſiſt of the mayor pte of Freemen that are p^rſent or their Deputyes wth a moderator choſen by thẽ, In w^{ch} ſaid Generall Courts ſhall conſiſt the ſupreme power of the Co^mon welth and they only ſhall haue power to make lawes or repeale thẽ to graunt Leuyes to admitt of Freemen diſpoſe of Lands vndiſpoſed of to ſeuerall Townes or and p^rſons, and alſo ſhall haue power to call ether Courte or Mageſtrate or any other p^rſon whatſoeuer into queſtion for any miſdemeanour and may for Juſt Cauſes diſplace or deale otherwiſe according to the nature of the offence, And alſo may deale in any other matter that concerns the good of this co^mon welth excepte election of Mageſtrats w^{ch} ſhall be done by the whole boddy of Freemen,

In w^{ch} Courte the Gouernour or Moderator ſhall haue power to Order the Courte to giue liberty of ſpech and ſilence vnreaſonable and diſorderly ſpeakeings to put all things to voate and in Caſe the voate be equall to haue the caſting voice, But non of theſe Courts ſhall be adiorned or diſſolued wthout the conſent of the maior pte of the Court.

II It is Ordered ſentenced and decreed that when any Generall Courte vppon the occaſions of the Co^mon welth haue agreed vppon any ſu^me or ſo^mes of mony to be leuyed vppon the ſeuerall Townes wthin this Jurifdiction that a Co^mittee be choſen to ſett out and appoynt w^t

shall be the pportion of euery Towne to pay of the faid leuy, pvided the Comittes be made vp of an equall nũber out of ech Towne.

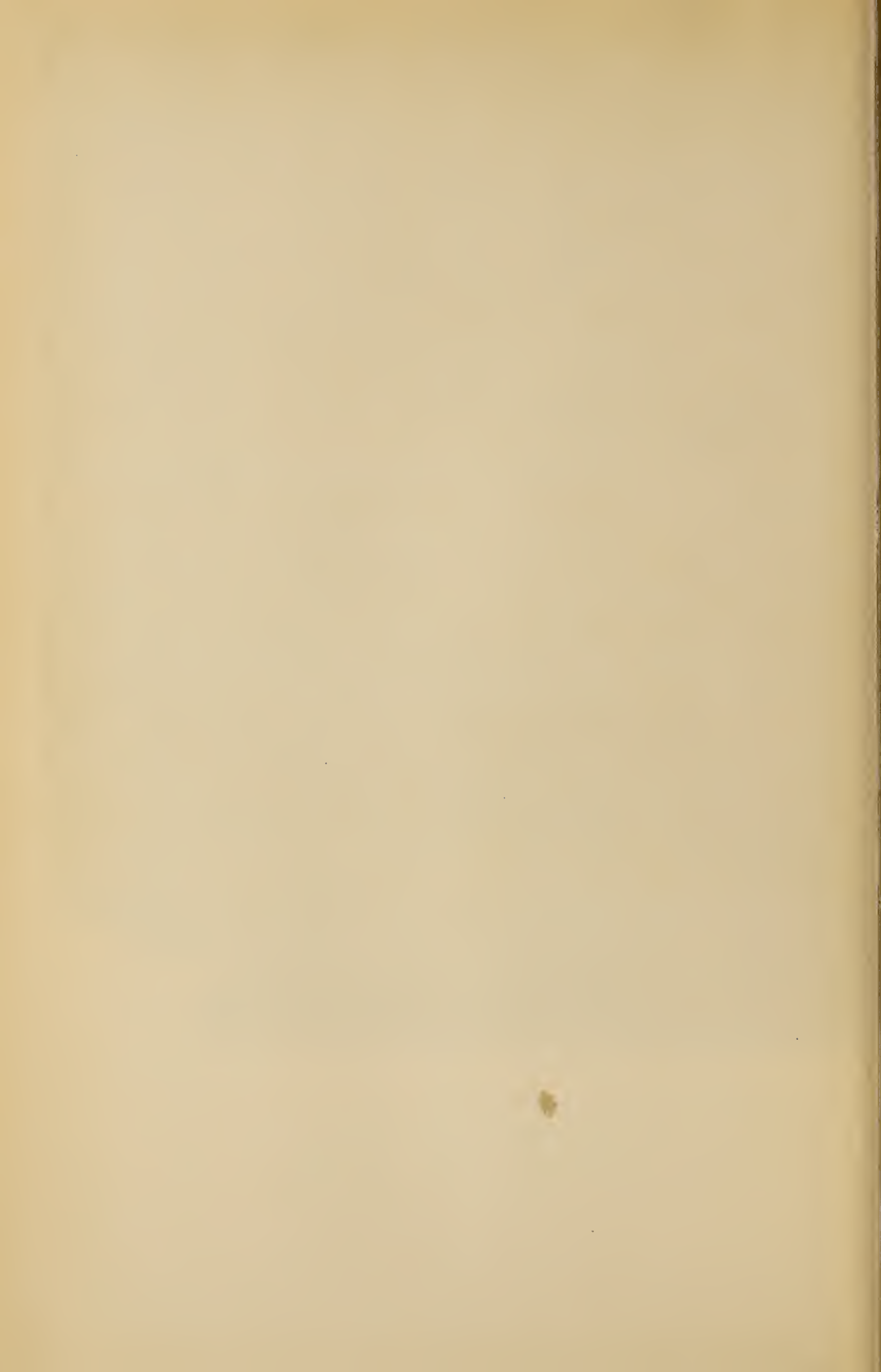
14th January 1638 the 11 Orders abouefaid are voted.

NOTE

The above exact transliteration of the Fundamental Orders has been made by Albert Carlos Bates, secretary of the Connecticut Historical Society, and secretary of the Committee on Historical Publications.

The leaves of the original manuscript of the Fundamental Orders, in its present condition, have a maximum length of $13\frac{1}{6}$ inches or 34.7 centimeters and width of $9\frac{1}{8}$ inches or 23.2 centimeters, so that the appended facsimiles are reduced to somewhat less than one-half the original size. Each leaf of the original manuscript volume is now inlaid between two sheets of specially prepared transparent silk. These new and larger leaves are bound into a handsome volume.

The date of the Orders as it appears at the top of this page was written according to the English practice of the time, which began dating the new year with March 25. Consequently on page 1 the date is written January 14, 1639. The exact equivalent of this date in the present reckoning, or New Style, is January 24, 1639.



22. It is ordered, intended and decreed that the Election of the aforesaid
Magistrate shall be on this manner every year and qualified
for year shall bring in (to the person deputied to receive the) one single
paper with the name of him written in it whom he desired to have Governor
and he that hath the greatest number of papers shall be Governor for
that year. And the most of the Magistrate or public officers to be
chosen in this manner. The Secretary for the time being shall first
write the names of all that are to be put to vote and then shall separately
nominate them distinctly, and every one that would have the person nominated
to be chosen shall bring in one single paper written upon, and he that
would not have him chosen shall bring in a blank. And every one that hath
more written papers than blank shall be a Magistrate for that year
not papers shall be returned and told by one or more that shall be chosen
by the court and he sworn to be faithful therein, but in case
there should not be five chosen as aforesaid beside the Governor out of
those who are nominated, then he or they who have the most written papers
shall be a Magistrate or Magistrates for the ensuing year to make
up the aforesaid number.

It is ordered, intended and decreed that the Secretary shall not nominate
any person nor shall any person be chosen newly into the Magistracy nor
stand not presented in some General Court before to be nominated
for next Election, and to that end it shall be lawful for one of the
Council aforesaid by their deputies to nominate any two who they conceive
fitter to be put to Election, and the Court may add so many more as
they judge necessary.

It is ordered, intended and decreed that no person be chosen Governor above
one in his age and that the Governor be always a member of some
approved congregation and formerly of the Magistracy whom he is
succeeded and all the Magistrate officers of this Court were
and that no Magistrate or other public officer shall execute any part
of his or their Office before they are solemnly sworn if shall be done
in the face of the Court if they be absent and in case of absence
by some deputied for that purpose.

5 It is ordered sentenced and decreed that to the shire of Kent
The shire of Kent shall send their deputies and upon the shire of Kent
they may proceed in any public business as at other shires, and the
General Count in September shall be for making of laws and any other
public action, if concern the good of the Common weale.

6 It is ordered sentenced and decreed that the Common shall elect by themselves or
by the shire of Kent, send out summons to the Constables of all Towns for
the returning of two standing Counts on Monday at lest before the
fofall hymen, And also if the Common and the mayor etc of the Mayor
so cause upon any special occasion to call a general Count, they may
give order to the shire of Kent, for to do so in fourteen dayes warning
and if urgent necessity so require upon a shorter notice, giving sufficient
grounds for it upon the Mayor, or else be questioned for the same, And if
the Common and Mayor etc of the Mayor shall elect or refuse to
call the two standing Counts or elect of the shire at other hymen upon the
election of the Common weale, require, the freemen thereof or the Mayor
etc of them, shall petition to them for to do, if they be either denied or
neglected the said freemen or the Mayor etc of them shall have power to
give order to the Constables of the shire of Kent to do the same and so
may make bylaws and oaths to the shire of Kent as moderated and may
to do any other of power if any other General Count may.

7 It is ordered sentenced and decreed that after there are warrant given out
for any of the said General Count the Constables or Constables of the shire
shall give notice distinctly to the inhabitants of the same in form
of the shire of Kent by giving or sending from house to house that
a place and time by him or them limited and set for meet and assemble
the shire of Kent to elect and give a nexton deputys to be all the shire
Count then following to execute the affairs of the common weale, if the
deputys shall be chosen by all the shire and admitted inhabitants in the shire
County then given to the shire of Kent, provided that none be chosen
a Deputy for any General Count if
is not a freeman of the shire of Kent.



...the Court of Chancery on Monday the 11th of June 1639
the Court to give liberty of speech and silence unreasonable and
disorderly speaking to put all things to vote and in case the
vote be equal the Law the ruling voice, But none of the Court
shall be admitted or distressed out of the court of the major part
of the Court.

It is Ordered Sentenced and Comanded that upon any Ordinance Court
upon the occasion of the Court of Chancery, Law agreed upon any point
or some of many to be brought upon the Court of Chancery
jurisdiction that a Committee be given to set out and appoint it shall
be the proportion of every Court to pay of the said Law provided the
Committee be made up of an equal number out of the Court.

14th January 1639 the 14 orders aforesaid are noted.

[The following text is extremely faint and largely illegible due to fading and bleed-through from the reverse side of the page. It appears to be a continuation of the legal proceedings or a separate entry.]

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